

Insertion of new  
section 12A.

3. After section 12 of the said Act, the following shall be added, namely:—

“12A. Notwithstanding anything contained in <sup>Saving of existing salaries of *chaukidars*.</sup> section 12, the salaries of *chaukidars* as in force on the 1st day of September, 1922, shall continue to be paid until altered under the provisions of that section.”

Amendment of  
section 15.

4. In the proviso to section 15 of the said Act, for the words “one rupee” the words “one rupee eight annas” shall be substituted.

C. TINDALL,

*Secretary to the Government of Bengal and*

*Secretary to the Bengal Legislative Council.*



# The Calcutta Gazette

WEDNESDAY, JULY 12, 1922.

## PART IV.

***Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.***

### GOVERNMENT OF BENGAL.

#### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*No. 2141L., dated the 4th July, 1922.*—The following Bill was introduced in the Bengal Legislative Council on the 3rd July, 1922, and is hereby published for information, together with Statement of Objects and Reasons annexed thereto :—

### THE BENGAL COURT-FEES (AMENDMENT No. II) BILL, 1922.

A

## BILL

*further to amend the Court-fees Act, 1870, with  
reference to the scale of Court-fees in Bengal.*

WHEREAS it is necessary further to amend the Court-fees Act, 1870, in its application to Bengal in the manner hereinafter appearing ;

VII of 1870.

It is hereby enacted as follows :—

Short title and  
extent.

1. (1) This Act may be called the Bengal Court-fees (Amendment No. II) Act, 1922.

(2) It extends to the whole of Bengal.

Amendment of Article 1 in the first schedule to the Court-fees Act, 1870, as amended by the Bengal Court-fees (Amendment) Act, 1922.

**2.** In Article 1 in the first schedule to the Court-fees Act, 1870 [as amended by the Bengal Court-fees (Amendment) Act, 1922], hereinafter referred to as the said Act,—

VII of 1870.  
Ben. Act IV  
of 1922.

- (a) the commas before and after the word "pleading" in the first column shall be omitted,
- (b) for the words "in value" in the first entry in the second column the words "or value" shall be substituted, and
- (c) the word "and" between the third and fourth entries in the second column shall be omitted.

Amendment of Articles 11 and 12 in the same schedule.

**3.** (1) In the second column of Articles 11 and 12 in the first schedule to the said Act,—

- (a) for the words "but does not exceed ten thousand rupees" the words "on such amount or value up to ten thousand rupees" shall be substituted,
- (b) for the words "for the portion", wherever they occur, the words "on the portion", shall be substituted,
- (c) the words "but does not exceed fifty thousand rupees" and the words "but does not exceed a lakh of rupees" shall be omitted, and
- (d) after the words "in excess of ten thousand rupees" the words "up to fifty thousand rupees" and after the words "in excess of fifty thousand rupees" the words "up to a lakh of rupees" shall be added.

(2) In the third column of Article 11 in the first schedule to the said Act, the words "on such amount or value", wherever they occur, shall be omitted.

Date of effect of amendments.

**4.** The amendments set forth in sections 2 and 3 shall be deemed to have been made with effect from the commencement of the Bengal Court-fees (Amendment) Act, 1922.

Ben. Act IV  
of 1922.

**STATEMENT OF OBJECTS AND REASONS.**

Two clerical errors in section 5 have been discovered in the assent copy of the Bengal Court-fees (Amendment) Act, 1922, in regard to Article 1. These are remedied in the proposed clause 2 of the Bill and the word "and" at the end of the amendment, moved by Babu Annada Charan Dutta, is omitted, in order to give clear effect to the decision of the Council and to the intention of the member.

Doubt has also been expressed as to the meaning of Articles 11 and 12, and it is proposed in clause 3 to amend these Articles so as to give clear effect to the decision of the Council. Following the procedure adopted in 1920 by the Indian Legislature with reference to the Super-tax Act of that year, the amendments are to take effect from the date of the commencement of the Bengal Court-fees (Amendment) Act, 1922.

J. H. KERR,

*Member-in-charge.*

C. TINDALL,

*Secretary to the Government of Bengal and  
Secretary to the Bengal Legislative Council.*

DARJEELING ;

*The 12th June, 1922.*





# The Calcutta Gazette

WEDNESDAY, AUGUST 2, 1922.

## PART IV.

***Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented to that Council, and Bills published before introduction in that Council.***

### GOVERNMENT OF BENGAL.

#### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

No. 2422L., dated Calcutta, the 27th July, 1922.—The following Report of the Select Committee on the Bengal Village-chaukidari (Amendment) Bill, 1922 (with the Bill as amended by the Committee), is hereby published for general information :—

#### **REPORT OF THE SELECT COMMITTEE ON THE BENGAL VILLAGE-CHAUKIDARI (AMENDMENT) BILL, 1922.**

We, the undersigned members of the Select Committee, to which the Bill further to amend the Village-chaukidari Act, 1870, was referred, have considered the Bill and the papers noted at the end of this paragraph, and have the honour to submit this our report with the Bill, as amended by us, annexed hereto. In reprinting the Bill, the change made by us has been underlined.

#### *Paper No. 1.*

Letter No. 77, dated the 12th April, 1922, from the Honorary Secretary, British Indian Association.

#### *Papers No. 2.*

Letter, dated the 2nd May, 1922, from the Secretary, Indian Association.  
Letter No. 1686 G.—XI-1, dated the 5th May, 1922, from the Commissioner, Chittagong Division.

#### *Paper No. 3.*

Letter No. 3568 M.—M.1282-21, dated the 16th May, 1922, from the Inspector-General of Police, Bengal.

*Paper No. 4.*

Letter No. 381 S.J., dated the 18th May, 1922, from the Officiating Commissioner of the Dacca Division.

*Papers No. 5.*

Letter No. 881 Jct., dated the 23rd May, 1922, from the Commissioner of the Rajshahi Division.

Memo. No. 4449 J., dated the 26th May, 1922, from the Personal Assistant to the Commissioner of the Dacca Division, forwarding copy of a letter, No. 94, dated the 17th May, 1922, from the Joint Honorary Secretary, Eastern Bengal Landholders' Association.

*Paper No. 6.*

Letter No. 365 J.G., dated the 31st May, 1922, from the Commissioner, Burdwan Division.

*Paper No. 7.*

Letter No. 168 J.J., dated the 10th June, 1922, from the Offg. Commissioner of the Presidency Division.

*Paper No. 8.*

Letter, dated the 11th June, 1922, from Raja Maniloll Singh Roy, C.I.E., M.L.C.

*Paper No. 9.*

Letter, dated the 26th June, 1922, from the Secretary, Bengal Mahajan Sabha.

2. We are unanimously agreed that clauses 1 and 2 of the Bill and the preamble should stand as drafted.

In regard to clause 3, the Committee, by a majority, consider that weight should be given to the large number of opinions received to the effect that Re. 1-8 would be more suitable maximum than Rs. 2. The Committee therefore suggest that the words "one rupee eight annas" be substituted for the words "two rupees" in this clause.

The three members of the Committee, who dissent from this view, consider that the maximum should not be raised, and that the matter should be left to a more careful assessment. They are submitting a separate minute of dissent on this point.

3. The Bill was published in English in the *Calcutta Gazette* of the 8th March, 1922.

4. We do not consider that the Bill has been so altered as to require republication.

5. We recommend that the Bill, as amended by us, be passed by the Council.

H. L. STEPHENSON, *Member-in-charge.*

J. DONALD.

BIJOY PRASAD SINGH ROY.\*

NALINI NATH ROY.\*

K. MUHAMMAD AFZAL.

W. L. TRAVERS,

BRAJENDRA KISHORE ROY

CHOWDHURY.\*

CALCUTTA ;

*The 21st July, 1922.*

NOTE—(1) \* signed subject to the minute of dissent annexed.

(2) Khan Bahadur Wasimuddin Ahmad and Babu Annada Charan Datta did not attend the meeting of the Select Committee.

**NOTE OF DISSENT BY MR. BIJOY PRASAD SINGH ROY,  
M.L.C., BABU NALINI NATH ROY, M.L.C., AND BABU  
BROJENDRA KISHOR ROY CHAUDHURI, M.L.C.**

We regret very much that we have to differ on certain points from our colleagues in the Select Committee and have to submit a Note of Dissent.

1. First of all, we must say that we do not consider that the amendment of the Act is at all necessary and expedient under the present state of excited feelings, almost all over the province, when the general impression is that the chaukidars are useless and the chaukidari tax is a burden on all classes of people. But as the principle of the Bill has already been accepted by the Legislative Council, at this stage we need not discuss the necessity and expediency of the amendment.

2. As regards clauses 1 and 2 of the Bill, we have no objection, and agree with the majority of the Select Committee. The changes proposed in clause 2 of the Bill is desirable, because the principle is more democratic, which will entitle the Panchayet, who is directly responsible for the efficient management of the union under him, to be consulted and to be taken into confidence by the District Magistrate when the question of salary of the chaukidars is to be determined, as under the Bengal Village Self-Government Act, 1919. Under the present fluctuating economic condition of the country it is not possible to fix any equitable maximum of the salary of the chaukidars, so we are of opinion that it is advisable to remove this restrictive clause, to enable the District Magistrate to make necessary alterations in the salaries according to local conditions and income of the unions concerned, by equitable assessment of the rates, if possible.

3. As to clause 3 of the Bill, we strongly object to the proposed amendment, mainly on two grounds :—

(a) The chaukidari tax is already very unpopular, and difficulties have been experienced in realising the increased union rates even in areas where the Bengal Village Self-Government Act, 1919, has been introduced. This Act has several redeeming features, such as the provisions for improvement of sanitation and education of unions, whereas the Chaukidari Act has got no such provision in it, to make it popular to the ordinary rate-payers. We consider any proposal for increasing the rates will be strongly resented by the rate-payers of all classes.

(b) We do not consider that the raising of the maximum from one rupee to two rupees will be in any way helpful to increase the income of the unions by any substantial amount, because, of the number of the people who may be assessed, the maximum amount is very small, and the real burden will naturally fall on the poor, who will be required to pay the balance of the sum necessary to meet the increased pay of the chaukidars. We think that an equitable assessment will be more profitable than the raising of the maximum.

4. In conclusion, we beg to submit that we do not agree to the proposed amendment to section 15 of the Village-chaukidari Act, 1870, on the general principle that there should be no more increase of taxation on any class of people, whether rich or poor, for maintaining the chaukidars, who are in our opinion already sufficiently paid for their ordinary duties of watch and ward of the villages. Under the existing system they are often required to discharge some duties of the general police, and this additional work prevents them from paying attention to their other sources of incomes, and this is one of the main causes which have led them to demand higher remuneration.



**THE BENGAL VILLAGE-CHAUKIDARI  
(AMENDMENT) BILL, 1922 ;**

*(as amended by the Select Committee.)*

**A**

**BILL**

*further to amend the Village-chaukidari Act, 1870.*

WHEREAS it is expedient further to amend the Village-chaukidari Act, 1870, in the manner herein-  
after appearing :

Ben. Act VI  
of 1870.

It is hereby enacted as follows :—

Short title.

**1.** This Act may be called the Bengal Village-chaukidari (Amendment) Act, 1922.

New section  
substituted for  
section 12 of  
Bengal Act VI of  
1870.

**2.** For section 12 of the Village-chaukidari Act, 1870, the following shall be substituted, namely :—

“12. The salaries of *chaukidars* appointed for any village shall be determined by the District Magistrate after consideration of the views of the *panchayat* of the village.”

[Cf. Ben.  
Act V of  
1919, s. 21  
(1).]

Amendment of  
section 15.

**3.** In the proviso to section 15 of the said Act, for the words “one rupee” the words “one rupee eight annas” shall be substituted.

C. TINDALL,

*Secretary to the Government of Bengal and  
Secretary to the Bengal Legislative Council.*





# The Calcutta Gazette

WEDNESDAY, AUGUST 30, 1922.

## PART IV.

***Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.***

### GOVERNMENT OF BENGAL.

#### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*No. 3160L., dated Calcutta, the 28th August, 1922.*—The following Bill was introduced in the Bengal Legislative Council on the 23rd August, 1922, and is hereby published for information, together with Statement of Objects and Reasons annexed thereto :—

### THE BENGAL EXCISE (AMENDMENT) BILL, 1922.

A

### BILL

*further to amend the Bengal Excise Act, 1909.*

WHEREAS it is expedient further to amend the Bengal Excise Act, 1909, in the manner hereinafter appearing ;

Ben. Act V  
of 1909.

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bengal Excise (Amendment) Act, 1922.

Amendment of  
sec. 51 of Bengal  
Act V of 1909.

2. In clause (c) of sub-section (1) of section 51 of the Bengal Excise Act, 1909, for the words "fourteen years" the words "sixteen years" shall be substituted.

Ben. Act V  
of 1909.

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**STATEMENT OF OBJECTS AND REASONS.**

THE sale of any spirit or intoxicating drug to children under the age of fourteen years is already forbidden by section 51 of the Bengal Excise Act, 1909. The object of the Bill is to raise such age-limit to sixteen years.

SYED NAWAB ALY,

*Minister in charge.*

C. TINDALL,

*Secretary to the Government of Bengal  
and Secretary to the Bengal Legislative Council.*

CALCUTTA :

*The 4th July, 1922.*



# The Calcutta Gazette

WEDNESDAY, NOVEMBER 1, 1922.

## PART IV.

***Bills introduced in the Bengal Legislative Council, Report of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.***

### GOVERNMENT OF BENGAL.

#### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

No. 3651L., dated Calcutta, the 24th October, 1922.—His Excellency the Governor having been pleased to order under rule 18 of the Bengal Legislative Council Rules, 1920, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information :—

### THE GOONDAS BILL, 1922.

#### A

#### BILL

*to provide for the control of certain goondas residing in or frequenting the town and suburbs of Calcutta, and for their removal from Bengal.*

WHEREAS it is expedient to provide for the control of certain goondas within the town and suburbs of Calcutta and to provide for their removal from Bengal in certain circumstances ;

AND WHEREAS the previous sanction of the Governor General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act ;

5. & 6, Geo.  
V, c. 61 ;  
6 & 7, Geo.  
V, c. 37 ;  
9 & 10, Geo.  
V, c. 101.



It is hereby enacted as follows:—

Short title and  
local extent.

1. (1) This Act may be called the Goondas Act, 1922.
- (2) It extends to the whole of Bengal.

Definitions.

2. In this Act—

- (1) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, and the Port of Calcutta as defined by notification under section 5 of the Indian Ports Act, 1908; Ben. Act IV of 1866.  
Ben. Act II of 1866.  
XV of 1908.
- (2) "Commissioner of Police" means the officer vested with the administration of police in the town of Calcutta under the Calcutta Police Act, 1866, and any Act amending the same; and
- (3) "goonda" includes a hooligan or other rough.

Power of Local Government to remove certain persons, and gangs or bodies of persons from Bengal.

3. (1) Whenever it shall appear to the Commissioner of Police that any person—

- (a) is a goonda, or a member of a gang or body of goondas,
- (b) is not a Bengali by birth, and
- (c) is residing within or habitually visiting or frequenting the town of Calcutta,

and that such person or that such gang or body is committing or has committed or is about to commit—

- (i) a non-bailable offence, or
- (ii) the offence of criminal intimidation, or
- (iii) an offence involving a breach of the peace,

so as to cause, or to be likely to cause, danger or alarm to the inhabitants or to any section of the inhabitants of the town of Calcutta, the Commissioner of Police shall make a report to the Local Government who, after such further inquiry as they may deem necessary, and after giving such person an opportunity of showing cause why an order under this sub-section should not be made, may, if satisfied that such person is liable to be dealt with under the provisions of this sub-section, direct him to leave the Presidency of Bengal within such time, by such route or routes, and for such period as may be stated in the order; and the order of the Local Government shall be final.

(2) Every person, in respect of whom an order has been made under sub-section (1), shall, if so directed by the Commissioner of Police, before leaving the Presidency of Bengal,— [Cf. Act III of 1911, s. 7 (2).]

- (i) present himself to be photographed;
- (ii) allow his finger impressions to be recorded;
- (iii) if literate, furnish such officer with specimens of his handwriting and signature; and
- (iv) attend at such times and places as the Commissioner of Police may direct for all or any of the aforesaid purposes.



(3) When any person against whom an order has been passed under sub-section (1) fails to comply with such order within the time specified therein, or after complying with the said order, returns to any place within the Presidency of Bengal before the expiry of the period stated therein, he may be arrested without a warrant by a police-officer and shall be liable, on conviction before a Presidency Magistrate, or a Magistrate of the first class, to rigorous imprisonment for a term which may extend to one year.

[*Cf.* Bom.  
Act IV of  
1902, s. 27(3).]

(4) Any person who fails to comply with, or attempts to evade, any direction given in accordance with the provisions of sub-section (2), shall be liable to be arrested without a warrant and shall, on conviction before a Presidency Magistrate, or a Magistrate of the first class, be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

**STATEMENT OF OBJECTS AND REASONS.**

Representations have from time to time been made to Government with reference to the presence in Calcutta, particularly in the Burrabazar area, of a large number of *goondas* or hooligans ready at all times to take advantage of opportunities for violent crime, and Government have been frequently urged to take drastic measures to deal with the evil. These *goondas* are mainly up-country men who have either been brought to Calcutta for employment as darwans or lathials, or have been attracted by reports of the ease with which money can be made in Calcutta by violence or the threat of violence. The Marwaris, on the allegation that police protection is insufficient, maintain numbers of the class of men from which the *goondas* come, and thus make it still more difficult for the police to deal with the evil. Contributory causes are the custom of allowing large sums of money to be carried openly in the streets by darwans of whom practically little is known, the existence of gambling and cocaine dens which give employment to *goondas* as spies, etc.

2. Early in 1914, the increase in crime in the Burrabazar area led to representations from the Marwari community regarding the inadequacy of police protection, and the outbreak of war later on in the year intensified the feeling of insecurity. Special police patrols drafted into the area succeeded in reassuring the population for the time being. A recrudescence of crime in 1920 caused considerable uneasiness, especially among the Marwari inhabitants, and strong representations were again made to Government. Special police preventive measures were again taken, the results of which appear to have been temporarily successful, but there was a strong feeling that no action which would not break up the gangs completely could be more than a palliative.

3. The only power that the police now have for dealing with the evil is by raiding cocaine and gambling dens and proceeding against individuals under the preventive sections of the Code of Criminal Procedure. Both these courses are full of difficulties; the congested nature of the area, the number of spies engaged by the proprietors and their wealth make a successful raid a rare occurrence, and the production of evidence to prove the case in court a most difficult problem; while the terrorism inspired by the gangs and individuals renders it almost impracticable to get residents to come forward to give public evidence in court, without which the preventive powers of the courts cannot be put into effect.

4. It has been strongly represented that the only real and proper remedy is the exclusion of these criminal and violent elements from the province. A consideration of such forms of procedure as seemed possible led to the conclusion that the only means likely to prove effective would be a provision of law to the effect that when the Governor in Council was satisfied from a report by the Commissioner of Police that any person, other than a person born in Bengal, was so desperate or dangerous as to render his presence hazardous to the peace and order of the town he might pass an order excluding such person from the Presidency, disobedience of the order being punishable with imprisonment.

5. The effect of an Act by which men of this type could be deported from the province would be far-reaching. It would reduce the rowdy element which plays a conspicuous part on the occasions of riots in Calcutta and would at the same time reduce crime to a marked degree. As already stated, many criminals are up-country men and their removal from Calcutta would be most beneficial to the community.

H. L. STEPHENSON,

*Member in charge.*

CALCUTTA;  
*The 8th August, 1922.*

C. TINDALL,

*Secretary to the Government of Bengal  
and Secretary to the Bengal Legislative Council.*

## GOVERNMENT OF BENGAL.

## LEGISLATIVE DEPARTMENT.

## NOTIFICATION.

No. 3673L., dated Calcutta, the 27th October 1922.—His Excellency the Governor having been pleased to order, under rule 18 of the Bengal Legislative Rules, 1920, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information :—

**THE CALCUTTA PORT (AMENDMENT)  
BILL, 1922.**

## A

## BILL

*further to amend the Calcutta Port Act, 1890.*

Preamble.

WHEREAS it is expedient further to amend the Calcutta Port Act, 1890, in the manner hereinafter appearing ;

Ben. Act III  
of 1890.

And whereas the previous sanction of the Governor General has been obtained under section 80A, sub-section (3), of the Government of India Act, to the passing of this Act ;

5 & 6, Geo.  
V, c. 61 ; 6 &  
7, Geo. V, c.  
87 ; 9 & 10,  
Geo. V, c. 101.

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Calcutta Port (Amendment) Act, 1922.

New sections  
24B and 24C.

2. After section 24A of the Calcutta Port Act, 1890 (hereinafter called the said Act), the following shall be inserted, namely :—

“24B. (1) The Commissioners in meeting may,

Establishment of reserve fund.

from time to  
time, set aside

such sums out of their revenue surplus, as they think fit, as a reserve fund or funds for the purpose of providing against any temporary decrease of revenue or increase of expenditure from transient causes or for purposes of replacement, or for meeting expenditure arising from loss or damage from fire, ship-wreck or other accident or for any other emergency arising in the ordinary conduct of their work under this Act :

Provided that the sums set aside as a reserve fund or funds shall not exceed such amount, annual or in the aggregate, as shall from time to time be prescribed by the Local Government.

(2) Such reserve fund or funds shall be invested in the promissory notes and other securities of the Government of India, or in the debentures issued by the Commissioners under this Act.”

“24C. (1) For the purposes of any investment

Power to reserve debentures or  
securities for Commissioners.

which the Comis-  
sioners are autho-  
rised to make

by this Act, it shall be lawful for the Commissioners in meeting to reserve and set apart any debentures or securities to be issued by them on account of any loan to which the approval of the Local Government has been given :



*(Clauses 3 and 4.)*

Provided that in the case of any issue offered to the public, the intention so to reserve and set apart such debentures or securities shall have been notified as a condition of the issue of the loan.

(2) The issue of any such debentures or securities direct to and in the name of the Commissioners themselves, shall not operate to extinguish or cancel such debentures or securities, but every debenture or security so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(3) The purchase by the Commissioners or the transfer, assignment or endorsement to the trustees of the sinking fund or the Commissioners, of any debenture or security issued by the Commissioners, shall not operate to extinguish or cancel any such debenture or security, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person."

Amendment of  
section 30.

3. In the proviso to section 30 of the said Act, for the words, letter and brackets "except clause (g) thereof" the following shall be substituted, namely:—

"except clauses (g) and (h) thereof."

Amendment of  
section 31.

4. In section 31 of the said Act,—

(1) in sub-section (1)—

(a) the word "and" at the end of clause (f) shall be omitted;

(b) after clause (f) the following shall be inserted, namely:—

"(g) for authorising the payment of contributions (including the payment of bonuses based on length of service) at certain prescribed rates and subject to certain prescribed conditions into any provident fund, which may, with the approval of the Local Government, be established by the Commissioners for the benefit of the officers or servants appointed under this Act, and for determining the conditions of payments from the fund to such officers or servants, or to the widows or dependent children of such of them as may die while still in the service of the Commissioners; and"

(c) the existing clause (g) shall be re-numbered as clause (h).

(2) in sub-section (2) for the word, letter and brackets "clause (g)" the word, letter and brackets "clause (h)" shall be substituted.



(Clauses 5—8.)

(3) in sub-section (3) for the words, letter and brackets "or clause (g)" the following shall be substituted, namely:—

"and under clauses (g) and (h)."

Amendment of  
section 71.

5. For sub-section (1) of section 71 of the said Act, the following shall be substituted, namely:—

"(1) The estimate as sanctioned by the Commissioners shall, not later than the first day of March next following, be submitted to the Local Government, who may, at any time prior to the first day of April next following, either disallow or modify such estimate, or any portion thereof, and return the same for amendment."

New section  
72A

6. After section 72 of the said Act, the following shall be inserted, namely:—

"72A. The Commissioners in meeting shall be at liberty, in any year, to expend, in addition to the sums sanctioned by the estimate for that year as approved by the Local Government,—

Excess expenditure by Commissioners.

(a) any sum or sums chargeable to revenue, the expenditure of which shall in their opinion be necessary and which could not reasonably have been anticipated at the time of the preparation of the estimate, if and when such sums are covered by their revenue earnings received up to the time of such expenditure;

(b) any sum or sums on any object not included in or estimated for in the estimate, if and when such sums can be met from ascertained savings on the estimate as a whole, provided that not more than fifty thousand rupees shall be expended on any one object in pursuance of this provision:

Provided that the Commissioners shall submit annually to the Local Government a statement of all such expenditure."

New section  
substituted for  
section 73.

7. For section 73 of the said Act, the following shall be substituted, namely:—

"73. Subject to the provisions of section 72A, no sum exceeding

Adherence to estimate.

twenty thousand rupees shall, except in cases of pressing emergency, be expended by, or on behalf of, the Commissioners unless such sum is included in an estimate at the time in force which has been finally approved by the Local Government."

Amendment of  
section 74.

8. In section 74 of the said Act, for the words "five thousand rupees" the words "twenty thousand rupees" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS.**

The Port Commissioners, Calcutta, have no authority under the existing Act to set aside any sum of money out of their revenue surplus as a reserve fund or funds for replacement and for providing against loss, accident or other emergencies, although in actual practice such funds are already in existence. One of the objects of the present Bill is to provide a statutory basis for these funds as well as for their investment by, and in the name of, the Commissioners. It is also proposed to empower the Commissioners to reserve and set apart any debentures or securities to be issued by them on account of any loan; and to lay down that the issue of any such debentures or securities direct to the Commissioners shall not operate to extinguish or cancel such debentures or securities, the same principle being also applicable to the transfer, assignment or endorsement of any such debentures or securities to the Trustees of the Sinking Fund or to the Commissioners themselves as well as to the purchase of these debentures or securities by the Commissioners.

In the next place, it is intended to authorise the Commissioners to establish a provident fund for their officers and servants. Under the existing Act a provident fund can be established only by their officers and servants. The Commissioners propose to substitute for the existing pensionary system a contributory provident fund combined with bonuses based on length of service. Special provision has been made for payments from the fund to the widows or dependent children of officers and servants who die while in the service of the Commissioners. Measures have also been taken to extend the benefits of the provident fund combined with the system of bonuses based on length of service to the workshop employes of the Commissioners.

It is also the intention of the Bill to give the Commissioners larger powers than are conferred by the present Act, to incur expenditure in certain circumstances, in addition to the sums covered by the sanctioned estimate for any year. Past experience shows that the Commissioners find it difficult in practice strictly to adhere to the sanctioned estimate, owing to the inevitable fluctuations in the trade of the Port, which cannot be accurately foreseen or provided for.

J. DONALD,

*Member in charge.*

CALCUTTA:

*The 27th October, 1922.*

C. TINDALL,

*Secretary to the Government of Bengal  
and Secretary to the Bengal Legislative Council.*



# The Calcutta Gazette

WEDNESDAY, NOVEMBER 8, 1922.

## PART V.

*Acts of the Indian Legislature assented to by the Governor General.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Indian Legislature received the assent of the Governor General on the 3rd October 1922, and is hereby promulgated for general information :—

ACT No. XIX OF 1922.

*An Act further to amend the Court-fees Act, 1870.*

WHEREAS it is expedient further to amend the Court-fees Act, 1870; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Court-fees (Amendment) Act, 1922.

Amendment of  
section 4, Act VII  
of 1870.

2. In section 4 of the Court-fees Act, 1870, for the words "judgment of two" the words and brackets "judgments (other than judgments passed in the exercise of the ordinary original civil jurisdiction of the Court) of one" shall be substituted.

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*





# The Calcutta Gazette

WEDNESDAY, NOVEMBER 15, 1922.

## PART V.

*Acts of the Indian Legislature assented to by the Governor General.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Indian Legislature received the assent of the Governor General on the 3rd October 1922, and is hereby promulgated for general information :—

ACT No. XVIII OF 1922.

*An Act further to amend the Negotiable Instruments Act, 1881.*

WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881 ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Negotiable Instruments (Amendment) Act, 1922.

Amendment of section 131, Act XXVI of 1881.

2. To section 131 of the Negotiable Instruments Act, 1881 the following *Explanation* shall be added, namely :—

“*Explanation*.—A banker receives payment of a crossed cheque for a customer within the meaning of this section notwithstanding that he credits his customer's account with the amount of the cheque before receiving payment thereof.”

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 5th October 1922, and is hereby promulgated for general information:—

## ACT No. XXII of 1922.

*An Act to provide a penalty for spreading disaffection among the police and for kindred offences.*

WHEREAS it is expedient to penalize the spreading of disaffection among the police and other kindred offences; It is hereby enacted as follows:—

Short title,  
extent and com-  
mencement.

1. (1) This Act may be called the Police (Incitement to Disaffection) Act, 1922.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force in any province or part of a province on such date as the Local Government may, by notification in the local official Gazette, direct.

Definition.

2. In this Act, the expression "member of a police-force" means any person appointed or enrolled for the performance of police duties under any enactment specified in the Schedule.

Penalty for  
causing disaffec-  
tion, etc.

3. Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause, disaffection towards His Majesty or the Government established by law in British India amongst the members of a police-force, or induces or attempts to induce, or does any act which he knows is likely to induce, any member of a police-force to withhold his services or to commit a breach of discipline shall be punished with imprisonment which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

*Explanation.*—Expression of disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, or of disapprobation of the administrative or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or are likely to cause disaffection.

Saving of acts  
done by police  
associations and  
other persons for  
certain purposes.

4. Nothing shall be deemed to be an offence under this Act which is done in good faith—

(a) for the purpose of promoting the welfare or interests of any member of a police-force by inducing him to withhold his services in any manner authorised by law; or

(b) by or on behalf of any association formed for the purpose of furthering the interests of members of a police-force as such, where the association has been authorised or recognised by the Government and the act done is done under any rules or articles of the association which have been approved by the Government.

Sanction to  
trial of offences  
by subordinate  
Courts.

5. No Court shall proceed to the trial of any offence under this Act except with the previous sanction, or on the complaint, of the District Magistrate or, in the case of a Presidency-town or the town of Rangoon, of the Commissioner of Police.

Trial of cases.

6. (1) No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in Chapter XXII of the Code of Criminal Procedure, 1898, no offence under this Act shall be triable summarily.

## THE SCHEDULE.

(See section 2.)

Year.	No.	Short title.
<i>Acts of the Governor General in Council.</i>		
1859	XXIV	The Madras District Police Act, 1859.
1861	V	The Police Act, 1861.
1887	XV	The Burma Military Police Act, 1887.
1888	III	The Police Act, 1888.
1892	V	The Bengal Military Police Act, 1892.
<i>Madras Act.</i>		
1888	III	The Madras City Police Act, 1888.
<i>Bombay Acts.</i>		
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
<i>Bengal Acts.</i>		
1866	II	The Calcutta Suburban Police Act, 1866.
"	IV	The Calcutta Police Act, 1866.
1890	III	The Calcutta Port Act, 1890.
1920	II	The Eastern Frontier Rifles (Bengal Battalion) Act, 1920.
<i>Burma Act.</i>		
1899	IV	The Rangoon Police Act, 1899.
<i>Assam Act.</i>		
1920	I	The Assam Rifles Act, 1920.
<i>Regulation by the Governor General in Council.</i>		
1888	II	The Andaman and Nicobar Islands Military Police Regulation, 1888.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 5th October 1922, and is hereby promulgated for general information :—

## ACT No. XXIII OF 1922.

*An Act to remove the restrictions imposed on the transfer of ships registered in British India.*

WHEREAS it is expedient to remove the restrictions imposed on the transfer of ships registered in British India ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Transfer of Ships Restriction (Repealing) Act, 1922.

Repeal of Act  
XX of 1917.

2. The Indian Transfer of Ships Restriction Act, 1917, is hereby repealed. XX of 1917.

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*





# The Calcutta Gazette

WEDNESDAY, NOVEMBER 22, 1922.

## PART V.

*Acts of the Indian Legislature assented to by the Governor General.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Indian Legislature received the assent of the Governor General on the 30th September 1922, and is hereby promulgated for general information :—

ACT No. XVI of 1922.

*An Act further to amend the Indian Extradition Act, 1903.*

WHEREAS it is expedient further to amend the Indian XV of 1903. Extradition Act, 1903; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Extradition (Amendment) Act, 1922.

Amendment of the First Schedule, Act XV of 1903.

2. In the First Schedule to the Indian Extradition Act, XV of 1903, for the words "Desertion from any body of Imperial Service Troops," the following shall be substituted, namely :—

"Desertion from any unit of Indian State Forces declared by the Governor General in Council, by notification in the *Gazette of India*, to be a unit desertion from which is an extradition offence."

H. MONCRIEFF SMITH,

*Secretary to the Government of India.*



# The Calcutta Gazette

WEDNESDAY, OCTOBER 18, 1922.

## PART VI.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 6th September 1922:—

No. 22 OF 1922.

#### BILL

*to consolidate and amend the law relating to steam-boilers.*

WHEREAS it is expedient to consolidate and amend the law relating to steam-boilers; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Indian Boilers Act, 1922.

(2) It extends to the whole of British India, including British Baluchistan and the Santhal Parganas.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(a) "accident" includes an explosion of a boiler or steam pipe or any damage to a boiler or steam-pipe which is calculated to weaken the strength thereof or in any way to render it liable to explode;

(b) "boiler" means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure for use outside such vessel, and includes any mounting or other fitting attached to such vessel which is wholly or partly under pressure when steam is shut off;

- (c) "Chief Inspector" and "Inspector" mean, respectively a person appointed to be a Chief Inspector and an Inspector under this Act;
- (d) "owner" includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof;
- (e) "prescribed" means prescribed by regulations or rules made under this Act;
- (f) "steam-pipe" means any main pipe through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connected fitting of a steam-pipe; and
- (g) "structural alteration, addition or renewal" shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting.

Limitation of application.

**3. (1)** Nothing in this Act shall apply in the case of any boiler or steam-pipe—

- (a) in any steam-ship as defined in section 3 of the Indian Steam-ships Act, 1884 or in any steam-vessel as defined in section 2 of the Inland Steam-vessels Act, 1917; or VII of 1884.
- (b) belonging to or under the control of His Majesty's Navy or the Royal Indian Marine Service. I of 1917.

(2) The Governor General in Council may, by notification in the Gazette of India, declare that the provisions of this Act shall not apply in the case of boilers or steam-pipes, or of any specified class of boilers or steam-pipes, belonging to or under the control of any railway administered by the Government or any railway company as defined in clause (5) of section 3 of the Indian Railways Act, 1890.

IX of 1890.

Power to limit extent.

**4.** The Governor General in Council may, by notification in the Gazette of India, exclude any specified area from the operation of all or any specified provisions of this Act.

Appointment of Chief Inspectors and Inspectors.

**5. (1)** The Local Government may appoint such persons as it thinks fit to be Inspectors for the purposes of this Act, and shall define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The Local Government shall likewise appoint a person to be Chief Inspector for the province, who may, in addition to the powers and duties conferred or imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Inspectors.

(3) Every Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

Prohibition of use of unregistered or uncertificated boiler.

**6.** Save as otherwise expressly provided in this Act, no owner of a boiler shall use the boiler or permit it to be used—

- (a) unless it has been registered in accordance with the provisions of this Act;
- (b) in the case of any boiler which has been transferred from one province to another, until the transfer has been reported in the prescribed manner;
- (c) unless a certificate or provisional order authorising the use of the boiler is for the time being in force under this Act;
- (d) at a pressure higher than the maximum pressure recorded in such certificate or provisional order:

Provided that any boiler registered, or any boiler certified or licensed, under any Act hereby repealed shall be deemed to have been registered or certified, as the case may be, under this Act:

Provided, further, that, until the expiration of twelve months from the commencement of this Act, nothing in this section shall be deemed to prohibit the use of any boiler in any local area in which the registration of, or a certificate or licence for the use of, a boiler was not previously required by law.



Registration.

7. (1) The owner of any boiler which is not registered under the provisions of this Act may apply to the Inspector to have the boiler registered. Every such application shall be accompanied by the prescribed fee.

(2) On receipt of an application under sub-section (1), the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed.

(3) On the said date the Inspector shall proceed to measure and examine the boiler and to determine in the prescribed manner the maximum pressure, if any, at which such boiler may be used, and shall report the result of the examination to the Chief Inspector in the prescribed form.

(4) The Chief Inspector, on receipt of the report, may—

(a) register the boiler and assign a register number thereto either forthwith or after satisfying himself that any structural alteration, addition or renewal which he may deem necessary has been made in or to the boiler or any steam-pipe attached thereto; or

(b) refuse to register the boiler.

(5) The Chief Inspector shall, on registering the boiler, order the issue to the owner of a certificate in the prescribed form authorising the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act.

(6) The Inspector shall forthwith convey to the owner of the boiler the orders of the Chief Inspector and shall in accordance therewith issue to the owner any certificate of which the issue has been ordered, and, where the boiler has been registered, the owner shall within the prescribed period cause the register number to be permanently marked thereon in the prescribed manner.

Renewal  
certificate.

8. (1) A certificate authorising the use of a boiler shall cease to be in force—

(a) on the expiry of the period for which it was granted; or

(b) when any accident occurs to the boiler or a steam-pipe attached thereto; or

(c) when the boiler, not being a portable or vehicular boiler, is moved; or

(d) when any structural alteration, addition or renewal is made in or to the boiler or any steam-pipe attached thereto; or

(e) on the communication to the owner of the boiler of an order of the Chief Inspector or Inspector prohibiting its use on the ground that it is in a dangerous condition.

(2) When a certificate ceases to be in force the owner of the boiler may within forty-eight hours apply to the Inspector for a renewal thereof for such period not exceeding twelve months as he may specify in the application.

(3) An application under sub-section (2) shall be accompanied by the prescribed fee and, on receipt thereof, the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed:

Provided that, where the certificate had ceased to be in force owing to the making of any structural alteration, addition or renewal, the Chief Inspector may dispense with the payment of any fee.

(4) On the said date the Inspector shall examine the boiler in the prescribed manner, and, if he is satisfied that the boiler and the steam-pipe or steam-pipes attached thereto are in good condition, shall issue a renewed certificate authorising the use of the boiler for such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as he

thinks fit and as is in accordance with the regulations made under this Act:—

Provided that if the Inspector—

- (a) proposes to issue any certificate—
  - (i) having validity for a less period than the period entered in the application, or
  - (ii) increasing or reducing the maximum pressure at which the boiler may be used, or
- (b) proposes to order any structural alteration, addition or renewal to be made in or to the boiler or any steam-pipe attached thereto, or
- (c) is of opinion that the boiler is not fit for use,

the Inspector shall, within forty-eight hours of making the examination, inform the owner of the boiler in writing of his opinion and the reasons therefor, and shall forthwith report the case for orders to the Chief Inspector.

(5) The Chief Inspector, on receipt of a report under sub-section (4), may, subject to the provisions of this Act and of the regulations made hereunder, order the renewal of the certificate in such terms and on such conditions, if any, as he thinks fit, or may refuse to renew it.

(6) Nothing in this section shall be deemed to prevent an owner of a boiler from applying for a renewed certificate therefor at any time during the currency of a certificate.

Provisional orders.

9. Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (4) of section 8, he may, if the boiler is not a boiler in respect of which a renewed certificate is required by reasons of an accident thereto or to a steam pipe attached thereto or the use of which has been prohibited under clause (e) of sub-section (1) of section 8, grant to the owner thereof a provisional order in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as he thinks fit pending the receipt of the orders of the Chief Inspector. Such provisional order shall cease to be in force:—

- (a) on the expiry of six months from the date on which it is granted, or
- (b) on receipt of the orders of the Chief Inspector, or
- (c) in any of the cases referred to in clauses (b), (c), (d), and (e) of sub-section (1) of section 8,

and on so ceasing to be in force shall be surrendered to the Inspector.

Use of boiler pending grant of certificate.

10. (1) Notwithstanding anything hereinbefore contained, when the period of a certificate relating to a boiler has expired, the owner shall, provided that he has applied, in accordance with the provisions of sub-section (2) of section 8, for a renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in the former certificate pending the issue of orders on the application.

(2) Nothing in sub-section (1) shall be deemed to authorise the use of a boiler in any of the cases referred to in clauses (b), (c), (d), and (e) of sub-section (1) of section 8 occurring after the expiry of the period of the certificate.

Revocation of certificate or provisional order.

11. The Chief Inspector may at any time withdraw or revoke any certificate or provisional order on the report of an Inspector or otherwise—

- (a) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination; or
- (b) if the boiler in respect of which it has been granted has sustained injury or has ceased to be in good condition; or
- (c) if the boiler is in charge of a person not in his opinion competent to have charge thereof.

Alterations and renewals.

**12.** No structural alteration, addition or renewal shall be made in or to any boiler registered under this Act or in or to any steam-pipe attached thereto unless such alteration, addition or renewal has been sanctioned in writing by the Chief Inspector.

Duty of owner at examination.

**13.** (1) On any date fixed under this Act for the examination of a boiler, the owner thereof shall be bound—

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of him;
- (b) to have the boiler properly prepared and ready for examination in the prescribed manner; and
- (c) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

(2) If the owner fails without reasonable cause to comply with the provisions of sub-section (1), the Inspector shall refuse to make the examination and shall report the case to the Chief Inspector who shall, unless sufficient cause to the contrary is shown, require the owner to file a fresh application and fee under section 7 or section 8, as the case may be and may forbid him to use the boiler notwithstanding anything contained in section 10.

Production of certificates, etc.

**14.** The owner of any boiler who holds a certificate or provisional order relating thereto shall at all reasonable times during the period for which the certificate or order is in force be bound to produce the same when called upon to do so by a District Magistrate, Commissioner of Police or Magistrate of the first class having jurisdiction in the area in which the boiler is for the time being, or by the Chief Inspector or by any Inspector appointed under the Indian Factories Act 1911, or by any person specially authorised in writing by a District Magistrate or Commissioner of Police.

XII of 1911.

Transfer of certificates, etc.

**15.** If any person becomes the owner of a boiler during the period for which a certificate or provisional order relating thereto is in force, the preceding owner shall be bound to make over to him the certificate or provisional order.

Powers of entry.

**16.** An Inspector may, for the purpose of inspecting or examining a boiler or any steam-pipe attached thereto or of seeing that any provision of this Act or of any regulation or rule made hereunder has been or is being observed, at all reasonable times enter any place or building within the limits of the area for which he has been appointed in which he has reason to believe that a boiler is in use.

Report of accidents.

**17.** (1) If any accident occurs to a boiler or steam-pipe, the owner or person in charge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of the nature of the accident and of the injury, if any, caused thereby to the boiler or any person, and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

(2) Every person shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Inspector as to the cause, nature or extent of the accident.

Appeals to Chief Inspector.

**18.** Any person considering himself aggrieved by—

- (a) an order made or purporting to be made by an Inspector in the exercise of any power conferred by or under this Act, or
- (b) a refusal of an Inspector to make any order or to issue any certificate which he is required or enabled by or under this Act to make or issue,

may, within thirty days from the date on which such order or refusal is communicated to him, appeal against the order or refusal to the Chief Inspector.



Appeals to  
appellate authority.

**19.** Any person considering himself aggrieved by an original or appellate order of the Chief Inspector—

- (a) refusing to register a boiler or to grant or renew a certificate in respect of a boiler; or
- (b) refusing to grant a certificate having validity for the full period applied for; or
- (c) refusing to grant a certificate authorising the use of a boiler at the maximum pressure desired; or
- (d) withdrawing or revoking a certificate or provisional order; or
- (e) reducing the amount of pressure specified in any certificate or the period for which such certificate has been granted; or
- (f) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe, may, within thirty days of the communication to him of such order, lodge with the Chief Inspector an appeal to an appellate authority to be constituted by the Local Government under this Act.

Finality of  
orders.

**20.** An order of an appellate authority under section 19 and, save as otherwise provided in sections 18 and 19, an order of the Chief Inspector or of an Inspector shall be final and shall not be called in question in any Court.

Minor penalties.

**21.** Any owner of a boiler who refuses or without reasonable excuse neglects—

- (i) to surrender a provisional order as required by section 9, or
- (ii) to produce a certificate or provisional order when duly called upon to do so under section 14, or
- (iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 15,

shall be punished with fine which may extend to one hundred rupees.

Penalties for  
illegal use of  
boiler.

**22.** Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to one hundred rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.

Other penalties.

**23.** Any owner of a boiler who—

- (a) uses or permits to be used a boiler which has been transferred from one province to another without such transfer having been reported as required by section 6, or
- (b) fails to cause the register number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (c) of section 7, or
- (c) makes any structural alteration, addition or renewal in or to a boiler or steam-pipe without first obtaining the sanction of the Chief Inspector as required by section 12, or
- (d) fails to report an accident to a boiler or steam-pipe as required by section 17, or
- (e) tampers with a safety valve of a boiler so as to render it inoperative,

shall be punishable with fine which may extend to five hundred rupees.

Penalty for  
tampering with  
register work.

**24.** (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act or any Act repealed hereby, shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Act or any Act repealed hereby, shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

## Limitation.

**25.** No Court shall proceed to the trial of any offence made punishable by or under this Act—

- (a) after the expiry of twelve months from the date of the commission of the offence, or
- (b) unless the sanction of the Chief Inspector has been obtained to the prosecution.

## Trial of offences.

**26.** No offence made punishable by or under this Act shall be tried save by a Court not inferior to that of a Presidency Magistrate or a Magistrate of the first class.

## Power to make regulations.

**27.** The Governor-General in Council may, by notification in the Gazette of India, make regulations consistent with this Act for all or any of the following purposes, namely :—

- (a) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler or steam-pipe under this Act ;
- (b) for prescribing the method of determining the maximum pressure at which a boiler may be used ;
- (c) for regulating the registration of boilers, prescribing the fees payable therefor, the drawings, specifications, certificates and particulars to be produced by the owner, the method of preparing a boiler for examination, the form of the Inspector's report thereon, the method of marking the register number and the period within which such number is to be marked on the boiler ;
- (d) for regulating the inspection and examination of boilers and steam-pipes, and prescribing forms of certificates therefor ;
- (e) for ensuring the safety of persons working inside a boiler ; and
- (f) for providing for any other matter which is not, in the opinion of the Governor-General in Council, a matter of merely local or provincial importance.

## Power to make rules.

**28.** The Local Government may, by notification in the local official Gazette, make rules consistent with this Act for all or any of the following purposes, namely :—

- (a) for prescribing the qualifications and duties of the Chief Inspector and of Inspectors, for regulating their salary, allowances and conditions of service, for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities ;
- (b) for regulating the transfer of boilers ;
- (c) for providing for the registration and certification of boilers in accordance with the regulations made under this Act ;
- (d) for prescribing the times within which Inspectors shall be required to examine boilers under section 7 or section 8 ;
- (e) for prescribing the fees payable for the issue of renewed certificates and the method of determining the amount of such fees in each case ;
- (f) for regulating inquiries into accidents ;
- (g) for constituting the appellate authority referred to in section 19, and for determining its powers and procedure ;
- (h) for determining the mode of disposal of fees, costs and penalties levied under this Act ; and
- (i) generally to provide for any matter which is, in the opinion of the Local Government, a matter of merely local importance in the province :

Provided that the previous sanction of the Governor-General in Council shall be required to the making of any rule under clause (i).

## Penalty for breach of rules.

**29.** Any regulation or rule made under section 27 or section 28 may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

Publication of regulations and rules. **30.** (1) The power to make regulations and rules conferred by sections 27 and 28 shall be subject to the condition of the regulations and rules being made after previous publication.

(2) Regulations and rules so made shall be published in the Gazette of India and the local official Gazette, respectively, and on such publication, shall have effect as if enacted in this Act.

Recovery of fees, etc. **31.** All fees, costs and penalties levied under this Act shall be recoverable as arrears of land-revenue.

Applicability to the Crown. **32.** Save as otherwise expressly provided, this Act shall apply to boilers and steam-pipes belonging to the Crown.

Power to suspend in case of emergency. **33.** In case of any emergency the Local Government may, by general or special order in writing, exempt any boiler or steam-pipe from the operation of all or any of the provisions of this Act.

Repeal of enactments. **34.** On and from the commencement of this Act, the enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof :

Provided that any Chief Inspector or Inspector appointed under any Act so repealed shall be deemed to have been appointed under this Act.

#### THE SCHEDULE.

(See section 34.)

##### ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
		<i>Act of the Governor-General in Council.</i>	
1903	I	The Amending Act, 1903 ...	So much of the First Schedule as relates to the Bengal Steam-boilers and Prime-movers Act, 1879.
1920	XXXVIII	The Devolution Act, 1920 ...	So much of the First Schedule as relates to the Bengal Steam-boilers and Prime-movers Act, 1879.
		<i>Madras Acts.</i>	
1893	III	The Madras Steam-boilers and Prime-movers Act, 1893.	The whole.
1904	I	The Madras Steam-boilers and Prime-movers (Amendment) Act, 1904	The whole.
1909	VII	The Madras Steam-boilers and Prime-movers (Amendment) Act, 1909.	The whole.
		<i>Bombay Acts.</i>	
1917	V	The Bombay Boiler Inspection Act, 1917.	The whole.
1920	X	The Bombay Boiler Inspection (Amendment) Act, 1920.	The whole.



Year.	No.	Short title.	Extent of repeal.
<i>Bengal Acts.</i>			
1879	III	The Bengal Steam-boilers and Prime-movers Act, 1879.	The whole.
1915	II	The Bengal Steam-boilers and Prime-movers (Amendment) Act, 1915.	The whole.
<i>United Provinces Act.</i>			
1915	III	The United Provinces Steam-boilers Act, 1915.	The whole.
<i>Punjab Act.</i>			
1902	II	The Punjab Steam-boilers and Prime-movers Act, 1902.	The whole.
<i>Central Provinces Acts.</i>			
1907	II	The Central Provinces Boiler Inspection Act, 1907.	The whole.
1919	IV	The Central Provinces Boiler Inspection (Amendment) Act, 1919.	The whole.
<i>Burma Act.</i>			
1910	II	The Burma Steam-boilers and Prime-movers Act, 1910.	The whole.

## STATEMENT OF OBJECTS AND REASONS.

Under the Devolution Rules the regulation of boilers is a provincial subject, subject to legislation by the Indian Legislature. There are at present seven provincial Boiler Acts; some of them were framed many years ago and are out of date, and all of them are inconsistent with each other. The result is that different rules are enforced in different provinces, and the anomalous position has been reached that a boiler which is allowed to work up to a certain pressure in one province can only be worked to a much lower pressure when transferred to another province. Farther, in the interest of safety a boiler requires regular inspection in whatever province it may be situated, and it is wrong that in certain provinces no boiler law should be in force at all. The object therefore of the present legislation is:

- (a) to secure uniformity throughout India in all technical matters connected with boiler regulations, *e.g.*, standards of construction, maximum pressure, and
- (b) to insist on the registration and regular inspection of all boilers throughout India.

This object can only be attained by an all-India Act, with uniform regulations throughout the country; under the Devolution Rules, as explained above, it is the function of the Central Government to promulgate such an Act.

2. The subject being a highly technical one a Committee of three persons including two boiler experts was appointed to examine the existing provincial laws and to put forward proposals for an all-India Act, based on the provisions of these laws brought up to date and co-ordinated. The report of this Committee has been published and the views of local Governments obtained upon it. The Bill which is now presented to the Assembly is the result of their recommendations as modified after consideration of the views of local Governments.

3. The only important respect in which the Bill diverges from certain of the existing Acts is with regard to certificated boiler attendants. It is only in a few provinces that boiler attendants are required to possess certificates of competency. The Industrial Commission recommended that this requirement was unnecessary, a recommendation which the Boiler Laws Committee endorsed, and in which local Governments, including those now insisting on certificates, have unanimously agreed.

In the appended notes an explanation is given of the more important clauses of the Bill.

*Clause 1 (3).*—It is undesirable that the law should come into force until the regulations to be framed under the enabling section are ready. These regulations have been referred in draft form to various experts for scrutiny and it is unlikely that they will be ready to be published for some time. Further, it is desirable to give boiler owners some period of grace within which to make themselves acquainted with the new Act, before it actually comes into force. On these accounts power is taken to bring the Act into effect by notification.

*Clause 2 (f).*—A steam pipe can be as dangerous as a boiler. It is, therefore, necessary to provide for the regular inspection of steam pipes.

*Clause 3.*—The boilers used on ordinary steam ships are already subject to a law which ensures proper inspection, and boilers used on His Majesty's ships are always in the charge of competent engineers. It is, therefore, unnecessary to bring these classes of boilers within the scope of the Act. Similarly as regards sub-clause (2) the boilers used on the large, well organized railways are in charge of competent engineers and it would be a work of supererogation for the provincial boiler inspection staff to inspect such boilers: hence power is taken to exempt such railways. On the other hand in the case of tramways and the smaller railway lines it may be desirable to provide for inspection by the provincial staff. Exemptions made under this clause will be specific in each case.

*Clause 7.*—The intention is that all boilers which come within the definition shall be registered and that the scale of registration fees shall be uniform for the whole of India, though the fee payable will of course vary according to the size of the boiler. It is desirable that, on receipt of an application for registration, the Inspector should be bound by law to examine the boiler within a reasonable period: otherwise, the owner might be put to considerable loss and inconvenience in having to wait for a long time before bringing the boiler into use. It is essential too that the Inspector should give the owner ten days' notice of the date of his inspection as, in the case of multitubular boilers, it takes ten days to make the boiler ready for inspection.

*Clause 9.*—The object of the provisional order is to allow the owner to work the boiler in certain cases before the final orders of the Chief Inspector have been received. This provision should obviate any inconvenience which might be experienced by the owner if the Chief Inspector was on tour and the reference to him or the receipt of his orders was delayed.

*Clause 11 (c).*—As explained above, certificates of competency will no longer be required in boiler attendants, but this should not absolve the owner of the boiler from the responsibility of seeing that the man in charge of it is capable of looking after it; power is therefore reserved in this sub-clause to the Chief Inspector to prohibit the working of a boiler if it is in the charge of an incompetent person.

*Clause 12.*—The making of a structural alteration may seriously impair the strength of a boiler; it is necessary therefore that, when an owner intends to make such an alteration, the Chief Inspector should have knowledge of it.

*Clauses 27 and 28.*—It is proposed to distinguish between the rules made by the Governor-General and by local Governments under these clauses by describing those made by the Governor-General as *regulations*. These regulations will be uniform for the whole of India. Local Governments are empowered to make rules for the general administration of the Act.

SIMLA;

The 24th August 1922.

C. A. INNES.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 13th September 1922 :—

No. 27 OF 1922.

A

## BILL

*To define the liability of employers in certain cases of suits for damages brought against them by workmen, and to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.*

WHEREAS it is expedient to define the liability of employers in certain cases of suits for damages brought against them by workmen, and to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident; It is hereby enacted as follows :—

## CHAPTER I.

## PRELIMINARY.

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Workmen's Compensation Act, 1922.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the first day of July 1924.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "adult" and "minor" mean respectively a person who is and a person who is not above the age of fifteen years;

(b) "Commissioner" means a Commissioner for Workmen's Compensation appointed under section 23;

(c) "dependant" means the wife, husband, father, mother, minor son or minor daughter of a deceased workman;

(d) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him;

(e) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;

(f) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement;



(g) "prescribed" means prescribed by rules made under this Act;

(h) "qualified medical practitioner" means any person registered under the Medical Act, 1858, or any Act amending the same, or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, or any person who is the holder, grantee or recipient of any degree, diploma, licence, certificate or other document, stating or implying that he is qualified to practise western medical science, and conferred, granted or issued by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916;

21 & 22 Vict.,  
c. 90.

(i) "seaman" means the master or any person forming part of the crew of any seagoing ship registered under the Bombay Coasting Vessels Act, 1838, or the Indian Registration of Ships Act, 1841, or the Indian Registration of Ships Act (1841) Amendment Act, 1850, or of any home-trade ship so registered of a registered tonnage of not less than three hundred tons, or of any inland steam-vessel as defined in section 2 of the Inland Steam Vessels Act, 1917, of a registered tonnage of not less than one hundred tons;

VII of 1916.

XIX of 1838.

X of 1841.

XI of 1850.

I of 1917.

(j) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement: provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent;

(k) "wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;

(l) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is a railway servant as defined in section 3 of the Indian Railways Act, 1890, not permanently employed in any administrative district or sub-divisional office of a railway or who is, either by way of manual labour or on a monthly wage not exceeding three hundred rupees, employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of His Majesty's naval, military or air forces or of the Royal Indian Marine Service; and any reference to a workman who has been injured shall where the workman is dead, include a reference to his dependants or any of them.

IX of 1890

(2) The exercise and performance of the powers and duties of a local authority or of any department of the Government shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(3) The Governor-General in Council may, by notification in the Gazette of India, direct that the provisions of this Act shall apply in the case of any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or

business) who is employed by way of manual labour or on a monthly wage not exceeding three hundred rupees in any occupation declared by such notification to be a hazardous occupation, or that the said provisions shall apply in the case of any specified class of such persons or in the case of any such person or class to whom any specified injury is caused; and any person in whose case the said provisions are so made applicable shall be deemed to be a workman within the meaning of this Act.

## CHAPTER II.

### EMPLOYER'S LIABILITY.

Defence of common employment barred in certain cases.

#### 3. Where personal injury is caused to a workman,—

- (a) by reason of the omission of the employer to maintain in good and safe condition any way, works, machinery or plant connected with or used in his trade or business, or by reason of any like omission on the part of any person in the service of the employer who has been entrusted by the employer with the duty of seeing that such way, works, machinery or plant are in good and safe condition; or
- (b) by reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence; or
- (c) by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where the injury resulted from his having so conformed; or
- (d) by reason of any act or omission of any person in the service of the employer done or made in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved) or in obedience to particular instructions given by any person to whom the employer has delegated authority in that behalf;

a suit for damages in respect of the injury instituted by the workman or by any person entitled in case of his death shall not fail by reason only of the fact that the workman was at the time of the injury a workman of, or in the service of, or engaged in the work of, the employer.

Risk not to be deemed to have been assumed without full knowledge.

#### 4. In any such suit for damages, the workman shall not be deemed to have undertaken any risk attaching to the employment unless the employer proves that the risk was fully understood by the workman and that the workman voluntarily undertook the same.

Limitation.

#### 5. The provisions of this Chapter shall not apply in the case of any suit for damages in respect of an injury which is instituted after the expiration of six months from the date of the injury.

## CHAPTER III.

### WORKMEN'S COMPENSATION.

Employer's liability for compensation.

#### 6. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:

Provided that—

- (a) the employer shall not be so liable in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding ten days;



(b) if the accident is directly attributable to—

- (i) the workman having been at the time thereof under the influence of drink or drugs, or
- (ii) the disobedience of the workman to an order expressly given or made known to him and which he may reasonably be expected to have remembered, or
- (iii) the removal by the workman of any safety, guard or other device which he knew to have been provided for safety purposes,

the employer shall not be liable to pay compensation unless the injury results in death to the workman or in his permanent total disablement, in either of which cases the employer shall be liable to pay only half the compensation to which the workman would otherwise have been entitled; and

(c) an employer shall not be liable to pay compensation—

- (i) in respect of any workman employed in the inspection or upkeep of a sewer except in the case of the death of such person owing to poisoning by sewer gas, or
- (ii) in respect of any workman employed in the construction, repair or demolition of a building or bridge, except in the case of the death or permanent total disablement of the workman.

(2) If a workman employed in any employment involving the handling of wool, hair, bristles, hides or skins contracts the disease of anthrax, or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

*Explanation.*—For the purpose of this sub-section a period of service shall be deemed to be continuous which has not included a period of service under any other employer.

(3) The Governor-General in Council may, by notification in the Gazette of India, add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and the provisions of sub-section (2) shall thereupon apply as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

(4) Save as provided by sub-sections (2) and (3), no compensation shall be payable to a workman in respect of any disease unless the disease is solely and directly attributable to a specific injury by accident arising out of and in the course of his employment.

(5) Nothing herein contained shall be deemed to confer any right of compensation on a workman in respect of any injury if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury—

- (a) if he has instituted a claim to compensation in respect of the injury before a Commissioner; or
- (b) if an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Act.



Amount of compensation.

7. (1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely :—

A. Where death results from the injury—

- (i) in the case of an adult, a sum equal to thirty months' wages or two thousand five hundred rupees, whichever is less, and
- (ii) in the case of a minor, fifty rupees ;

B. Where permanent total disablement results from the injury,—

- (i) in the case of an adult, a sum equal to forty-two months' wages or three thousand five hundred rupees, whichever is less, and
- (ii) in the case of a minor, a sum equal to eighty-four months' wages or three thousand five hundred rupees, whichever is less ;

C. Where permanent partial disablement results from the injury,—

- (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
- (ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury.

*Explanation.*—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the expiry of fifteen days from the tenth day of the disablement, and thereafter half-monthly during the disablement or during a period of seven years, whichever period is shorter—

- (i) in the case of an adult, of a sum equal to one-fourth of his monthly wages or fifteen rupees, whichever is less; and
- (ii) in the case of a minor, of a sum equal to one-third of his monthly wages or fifteen rupees, whichever is less :

Provided that there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be, and no half-monthly payment shall in any case exceed the difference between half the amount of the monthly wages of the workman before the accident and half the amount of such wages which he is earning after the accident.

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

Method of calculating wages.

8. For the purposes of section 7 the monthly wages of a workman shall be calculated as follows, namely :—

- (a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wage of the workman shall be one twelfth of the total wages earned by him from the employer in respect of the last twelve months of that period ;

(b) in other cases, the monthly wage shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period :

Provided that the sum arrived at by a calculation under clause (a) or clause (b) shall be increased or decreased, as the case may be, to the amount specified in the second column of Schedule IV against the head specified in the first column thereof within the limits of which such sum is included.

*Explanation.*—A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding ten days.

Review.

9. (1) Any half-monthly payment payable under section 7 may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Act, on application made without such certificate; and every such half-monthly payment payable to a minor shall be so reviewed on the attainment by the minor of the age of fifteen years.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Act, be increased, decreased or ended :

Provided that, in the case of a workman who attains the age of fifteen years while in receipt of such payments, the half-monthly payment may be increased to any sum not exceeding one-fourth of the monthly wages which the workman would probably have been earning at the date of the review if he had remained uninjured, or not exceeding fifteen rupees, whichever is less.

Commutation of half monthly payments.

10. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Distribution of compensation.

11. (1) Compensation payable in respect of a workman whose injury has resulted in death shall be deposited with the Commissioner, and any sum so deposited shall be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one such dependant, and the sum so allotted to any dependant shall either be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit.

(2) Any other compensation payable under this Act may be deposited with the Commissioner and, when so deposited, shall be paid over by the Commissioner to the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any amount deposited with him under sub-section (1) or sub-section (2).

(4) On the deposit of any money under sub-section (1), the Commissioner may deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding fifty rupees, and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid.



(5) Where a half-monthly payment is payable under this Act to a person under any legal disability, the Commissioner may, of his own motion or on application made to him in this behalf, order that the half-monthly payment be paid during the disability to any dependant of the workman or to any other person whom he thinks best fitted to provide for the welfare of the workman.

(6) Where, on application made to him in this behalf or otherwise the Commissioner is satisfied that on account of neglect of children on the part of a widow or on account of the variation of the circumstances of any dependant of a deceased workman or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case :

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(7) Where any lump sum has been paid to an injured workman or, under the orders of the Commissioner, to any person on his behalf, and such sum exceeds in amount the sum which would have been payable if the injury had resulted in the death of the workman, the employer shall not be entitled to recover the balance in the event of the death of the workman; but, if the employer has deposited such lump sum with the Commissioner, the Commissioner may, for reasons to be recorded in writing, make to the workman during a period not exceeding six months half-monthly payments not exceeding fifteen rupees each, and withhold payment of the balance during the continuance of such payment. If the workman dies before the balance is paid to him, the Commissioner shall repay to the employer the difference between the amount paid by the employer and the amount payable under this Act in the case of the death of the workman, or the balance remaining in the hands of the Commissioner, whichever is less.

Compensation  
not to be assigned,  
attached  
or charged.

12. Save as provided by this Act, no lump sum or half monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Notice.

13. (1) No proceeding for the recovery of compensation under the Act shall be maintainable before a Commissioner unless notice of the accident has been given within seventy-two hours of the accident and in the manner hereinafter provided, and unless the claim for compensation with respect to such accident has been made within six months of the occurrence of the accident or, in case of death, within six months from the date of death :

Provided that where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 6 are applicable, the accident shall be deemed to have occurred at midday on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease :

Provided, further, that the Commissioner may admit and decide any claim to compensation in any case where the notice has been given or the claim made after the expiry of the period hereby allowed if he is satisfied that the failure to give the notice or make the claim, as the case may be, within that period was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers, or upon any person directly responsible to the



employer for the management of any branch of the trade or business in which the injured workman was employed.

(3) The notice may be served by delivering the same at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served.

Medical examination.

14. (1) Where a workman has given notice of an accident, he shall, if the employer within seven days offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-monthly payment under this Act shall, if so required, submit himself for such examination from time to time :

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Act, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation or, in the case of a workman in receipt of half-monthly payments, his right to receive half-monthly payments shall be suspended until such examination has taken place.

(3) Where under this section a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

(4) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge, or having accepted such offer has failed to avail himself thereof to the extent required by the employer or has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly.

Contracting.

15. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which has been or is ordinarily undertaken by the principal in the course of or for the purposes of his trade or business, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay under this Act if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall, if the contract with the contractor was made before the commencement of this Act and contains no provision to the contrary, be entitled to be indemnified by the contractor, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) This section shall not apply—

- (a) in any case where the accident occurred elsewhere than in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management; or
- (b) where the principal is a local authority or a department of the Government.

Remedies of  
employer against  
stranger.

16. Where a workman has recovered compensation under this Act in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 15 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Insolvency of  
employer.

17. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premia), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman:

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the occurrence of the accident and of any resulting disablement as soon as possible after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under section 49 of the Presidency-towns Insolvency Act 1909, or under section 61 of the Provincial Insolvency Act, 1920, or under section 230 of the Indian Companies Act, 1913, are in the distribution of the property of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Acts shall have effect accordingly.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 10, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

III of 1909.  
V of 1920.  
VII of 1913.



(7) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Special provisions relating to seamen.

18. This Act shall apply in the case of workmen who are seamen subject to the following modifications, namely :—

(1) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seaman not being the master of the ship to give any notice of the accident.

(2) If the person injured is the master of the ship, notice of the accident may be given at any time within fourteen days of the accident or, if the accident occurs whilst the ship is on a voyage, within fourteen days of its arrival at any port or landing-place in British India.

(3) In the case of the death of a seaman, the claim for compensation shall be made within six months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost.

(4) Where an injured seaman is discharged or left behind in any part of His Majesty's dominions or in a foreign country, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the Governor-General in Council or any Local Government shall in any proceedings for enforcing the claim be admissible in evidence—

(a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made ;

(b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness ; and

(c) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused ;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in the criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

(5) In the case of the death of a seaman leaving no dependants, the Commissioner shall, if the owner of the ship is, under any law in force for the time being in British India relating to merchant shipping, liable to pay the expenses of burial of the seaman, return to the employer the full amount of the compensation deposited under sub-section (7) of section 11 without making the deduction referred to in sub-section (4) of that section.

(6) No monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being in British India relating to merchant shipping, liable to defray the expenses of maintenance of the injured seaman.

Returns as to compensation.

19. The Governor-General in Council may, by notification in the Gazette of India, direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer under this Act during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Governor-General in Council may direct.



Contracting out.

**20.** Any contract or agreement whether made before or after the commencement of this Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove the liability of the employer to pay compensation under this Act.

Proof of age.

**21.** Where any question arises as to the age of a person injured by accident arising out of and in the course of his employment in a factory, a certificate of a certifying surgeon granted in respect of such person under section 7 of the Indian Factories Act, 1911, before the occurrence of the injury shall be conclusive proof of the age of such person. XII of 1911.

## CHAPTER IV.

## COMMISSIONERS.

Reference to  
Commissioners.

**22.** (1) If any question arises in any proceedings under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation under this Act (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by the Commissioner.

(2) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act to be settled, decided or dealt with by a Commissioner.

Appointment of  
Commissioners.

**23.** (1) The Local Government may, by notification in the local official Gazette, appoint any person to be a Commissioner for Workmen's Compensation for such local area as may be specified in the notification.

(2) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

(3) Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Venue of proceedings  
and transfer.

**24.** (1) Where any matter is under this Act to be done by or before a Commissioner, the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before the Commissioner for the local area in which the accident took place which resulted in the injury:

Provided that, where the workman is a seaman, any such matter may be done by or before the Commissioner for the local area in which the owner or agent of the ship resides or carries on business.

(2) If a Commissioner is satisfied by any party to any proceedings under this Act pending before him that such matter can be more conveniently dealt with by any other Commissioner, whether in the same province or not, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner either for report or for final disposal, and, if he does so, shall forthwith transmit by registered post to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for final disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings.

(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Act, inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for final disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

Form of application.

**25.** (1) No application for the settlement of any matter by a Commissioner shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) Where any such question has arisen, the application may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain the following particulars, namely:—

- (a) a concise statement of the circumstances under which the application is made and the relief or order which the applicant claims;
- (b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission;
- (c) the full names and addresses of the parties; and
- (d) a concise statement of the matters on which agreement has and on these on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

Powers and procedure of Commissioners.

**26.** The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

V of 1908.

Appearance of parties.

**27.** Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or other person authorised in writing by such person.

Method of recording evidence.

**28.** The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record:

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record:

Provided, further, that the evidence of any medical witness shall be taken down as nearly as may be word for word.

Costs.

**29.** All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Act, be in the discretion of the Commissioner.

Power to submit cases.

**30.** A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

Registration of agreements.

**31.** Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable to a person under a legal disability or to a dependant, a memorandum thereof shall be sent to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a register in the prescribed manner:

Provided that—

- (a) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned;

- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation and the employer proves that the workman has, in fact, returned to work and is earning the same wages as he did before the accident and objects to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the Commissioner thinks just in the circumstances;
- (c) the Commissioner may at any time rectify the register;
- (d) where it appears to the Commissioner that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a person under any legal disability or to any dependant, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement or may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

Effect of failure to register agreement.

**32.** An agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise if not registered as provided in section 31 shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom a lump sum or half-monthly payment is payable from liability to pay such lump sum or to continue to make such half-monthly payment, as the case may be, and an agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not so registered, shall not, nor shall the payment of any sum payable under the agreement, exempt the person by whom the compensation is payable from liability to pay the full amount of compensation as provided in this Act, unless in either case he proves that the failure to register was not due to any neglect or default on his part.

Appeals.

**33.** An appeal shall lie to the High Court from the following orders of a Commissioner, namely:—

- (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim for a lump sum;
- (b) an order refusing to allow redemption of a half-monthly payment;
- (c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 15; or
- (e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than three hundred rupees;

Provided, further, that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.



(2) The period of limitation for an appeal under this section shall be sixty days.

Recovery

**34.** The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890.

I of 1890.

## CHAPTER V.

### RULES.

Power of the Governor General in Council to make rules.

**35. (1)** The Governor General in Council may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) for prescribing the intervals at which and the circumstances in which an application for review may be made under section 9 when not accompanied by a medical certificate ;
- (b) for prescribing the intervals at which and the circumstances in which a workman may be required to submit himself for medical examination under subsection (1) of section 14 ;
- (c) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Act and by the parties in such cases ;
- (d) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases ;
- (e) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another ;
- (f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance ;
- (g) for prescribing the form and manner in which memoranda of agreements shall be presented and registered ;
- (h) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same ; and
- (i) for any other matter which is not, in the opinion of the Governor-General in Council, a matter of merely local or provincial importance.

Power of Local Government to make rules.

**36.** The Local Government may, subject to the control of the Governor-General in Council, make rules to provide for all or any of the following matters, namely :—

- (a) for regulating the scales of costs which may be allowed in proceedings under this Act ;
- (b) for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Act ;
- (c) for the maintenance by Commissioners of registers and records of proceedings before them ; and
- (d) generally for carrying out the provisions of this Act in respect of any matter which is, in the opinion of the Local Government, a matter of merely local importance in the province.

Publication of rules.

**37. (1)** The power to make rules conferred by sections 35 and 36 shall be subject to the condition of the rules being made after previous publication.

(2) Rules so made shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication, shall have effect as if enacted in this Act.

## SCHEDULE I.

(See Sections 2 (1) and 7.)

*List of injuries deemed to result in permanent partial disablement.*

Injury.	Percentage of loss of earning capacity.
Loss of right arm above or at the elbow ... ..	70
Loss of left arm above or at the elbow ... ..	60
Loss of right arm below the elbow ... ..	60
Loss of leg at or above the knee ... ..	60
Loss of left arm below the elbow ... ..	50
Loss of leg below the knee ... ..	50
Permanent total loss of hearing ... ..	50
Loss of thumb ... ..	25
Loss of all toes of one foot ... ..	20
Loss of one phalanx of thumb ... ..	10
Loss of index finger ... ..	10
Loss of great toe ... ..	10
Loss of any finger other than index finger ... ..	5

*Note.*—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

## SCHEDULE II.

[See section 2 (1) (l).]

*List of persons who, subject to the provisions of section (2) (1) (l), are included in the definition of workman.*

The following persons are workmen within the meaning of section 2 (1) (l) and subject to the provisions of that section, that is to say, any person who is—

- (i) employed in connection with the service of a tramway as defined in section 3 of the Indian Tramways Act, XI of 1886, 1886, or
- (ii) employed within the meaning of clause (2) of section 2 of the Indian Factories Act, 1911, in any place XII of 1911. which is a factory within the meaning of sub-clause (a) of clause (3) of that section, or
- (iii) employed within the meaning of clause (c) of section VII of 1901. 3 of the Indian Mines Act, 1901, in any mine as defined in clause (d) of that section, or
- (iv) employed as a seaman, or
- (v) employed for the purpose of loading, unloading or coaling any ship at any pier, jetty, landing place, wharf, quay, dock, warehouse or shed, on, in or at which steam, water or other mechanical power or electrical power is used; or
- (vi) employed in the construction, repair or demolition of—
  - (a) a building which at the time when the accident on account of which compensation is claimed takes place comprises more than one story wholly or partly above ground, or
  - (b) a building which is used or intended to be used for industrial or commercial purposes, or
  - (c) a bridge exceeding or intended to exceed fifty feet in length; or
- (vii) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post; or
- (viii) employed in the inspection or upkeep of any underground sewer; or
- (ix) employed in the service of any fire brigade.



## SCHEDULE III.

(See section 6.)

*List of occupational diseases.*

Occupational disease.	Employment.
Lead poisoning or its sequelae ...	Any process involving the use of lead or its preparations or compounds.
Phosphorus poisoning or its sequelae	Any process involving the use of phosphorus or its preparations or compounds.

## SCHEDULE IV.

(See section 8.)

*Table of assumed wages.*

Limits.		Assumed wages.
Where the sum arrived at by a calculation under clause (a) or clause (b) of section 8 is—		
	Rs. A. P.	Rs. A. P.
less than	9 0 0	8 0 0
not less than	9 0 0 but less than	10 0 0
"	11 0 0 ditto	12 0 0
"	13 0 0 ditto	15 4 0
"	17 8 0 ditto	20 0 0
"	22 8 0 ditto	25 0 0
"	27 8 0 ditto	30 0 0
"	32 8 0 ditto	35 0 0
"	37 8 0 ditto	40 0 0
"	42 8 0 ditto	46 4 0
"	50 0 0 ditto	55 0 0
"	60 0 0 ditto	65 0 0
"	70 0 0 ditto	75 0 0
"	80 0 0 ...	83 5 4

## STATEMENT OF OBJECTS AND REASONS.

The general principles of workmen's compensation command almost universal acceptance, and India is now nearly alone amongst civilised countries in being without legislation embodying these principles. For a number of years the more generous employers have been in the habit of giving compensation voluntarily, but this practice is by no means general. The growing complexity of industry in this country, with the increasing use of machinery and consequent danger to workmen, along with the comparative poverty of the workmen themselves, renders it advisable that they should be protected, as far as possible, from hardship arising from accidents.

2. An additional advantage of legislation of this type is that, by increasing the importance for the employer of adequate safety devices, it reduces the number of accidents to workmen in a manner that cannot be achieved by official inspection. Further, the encouragement given to employers to provide adequate medical treatment for their workmen should mitigate the effects of such accidents as do occur. The benefits so conferred on the workman added to the increased sense of security which he will enjoy, should render industrial life more attractive and thus increase the available supply of labour. At the same time, a corresponding increase in the efficiency of the average workman may be expected. A system of insurance would prevent the burden from pressing too heavily on any particular employer.

3. After a detailed examination of the question by the Government of India, Local Governments were addressed in July, 1921, and the provisional views of the Government of India were published for general information. The advisability of legislation has been accepted by the great majority of Local Governments and of employers' and workers' associations, and the Government of India believe that public opinion generally is in favour of legislation.



4. In June, 1922, a committee was convened to consider the question. This committee was composed, for the most part, of members of the Imperial Legislature. After considering the numerous replies and opinions received by the Government of India, the committee was unanimously in favour of legislation, and drew up detailed recommendations regarding the lines which, in its opinion, such legislation should follow. The Bill now presented follows these recommendations closely. A number of supplementary provisions have been added where necessary, but practically no variations of importance have been made.

5. The Bill contains two distinct proposals. In Chapter II modifications are made in the ordinary civil law affecting the liability of employers for damages in respect of injuries sustained by their workmen; these clauses will operate only in actions before the ordinary civil courts. The main part of the Bill makes provision for workmen's compensation and sets up special machinery to deal with claims falling under this category.

6. Both parts of the Bill, however, apply to the same classes of workmen. If the scope of the employers' liability clauses was made wider than the scope of the workmen's compensation provisions, there would be considerable danger of a great increase in litigation. The classes included are those whose inclusion was recommended by the committee, and are specified in Schedule II. Two criteria have been followed in the determination of the classes to be included:—

- (1) that the Bill should be confined to industries which are more or less organised;
- (2) that only workmen whose occupation is hazardous should be included.

7. The general principle is that compensation should ordinarily be given to workmen who sustained personal injuries by accidents arising out of and in the course of their employment. Compensation will also be given in certain limited circumstances for disease. The actual rates of compensation payable are based on the unanimous recommendations of the committee. They are in every case subject to fixed maxima, in accordance with the committee's recommendations. It should be remembered, however, that the more highly paid workmen will be enabled, in cases to which the employers' liability clauses will apply, to obtain damages on a scale considerably in excess of the maximum fixed for workmen's compensation.

8. A consistent endeavour has been made to give as little opportunity for disputes as possible. Throughout the Bill, in the definitions adopted, the scales selected, and the exceptions permitted, the great aim has been precision, in order that, in as few cases as possible should the validity of a claim for compensation or the amount of that claim be open to doubt. At the same time, on the unanimous recommendation of the committee, provision has been made for special Tribunals to deal cheaply and expeditiously with any disputes that may arise, and generally to assist the parties in a manner which is not possible for the ordinary civil courts.

9. Detailed explanations of the provisions of the Bill are given in the sub-joined Notes on Clauses.

#### NOTES ON CLAUSES.

*Clause 1 (3).*—A comparatively long date has been allowed in order to give sufficient time for the discussion of the Bill and for the establishment of the machinery necessary for its smooth working, including the organisation of facilities for insurance.

*Clause 2 (1) (a).*—A division has been made at 15 years, because it is at or about this age that a large increase in the work and wages of a workman usually takes place. The age corresponds with the present minimum age for an adult under the Indian Factories Act, 1911.

*Clause 2 (1) (c).*—All the nearer relatives of a workman have been included. It will be unnecessary for the dependants to prove that they were actually dependent on the deceased workman. Provided that any one of them can prove the requisite relationship, compensation will be payable. At the same time, in the event of a dispute, it will be in the power of a Commissioner to distribute the compensation among the dependants as he thinks fit [see clause 11 (1)].

*Clause 2 (1) (f).*—A distinction is made between partial temporary disablement and partial permanent disablement. If a workman is temporarily disabled, it would be unreasonable to refuse compensation on the ground that he could obtain equally remunerative work elsewhere, as it would probably take him some time to obtain that work, and he would prefer to return to work with which he was familiar. On the other hand, if a workman has suffered no absolute loss of earning capacity, it is not justifiable to regard him as permanently disabled. If a workman sustains any of the injuries specified in Schedule I, it will not be necessary for him to adduce any further proof of permanent disablement.

*Clause 2 (1) (i).*—The majority of Indian seamen are employed on ships which are registered in the United Kingdom, or whose managing owner has his principal place of business in the United Kingdom. Such seamen are already covered by the British Workmen's Compensation Act, and the inclusion of seamen in both Acts would lead to

serious difficulties. The present definition includes all the remaining Indian seamen except—

- (i) seamen serving on foreign ships,
- (ii) seamen serving on the smaller coasting ships,
- (iii) persons employed on small inland vessels.

It is scarcely practicable to legislate for foreign ships, which are virtually foreign soil. The small Indian ships excluded are owned as a rule by small employers, and are frequently manned on a family system.

*Clause 2 (1) (j).*—If a workman sustains any combination of injuries specified in Schedule I, such that the aggregate percentage of loss as shown in that Schedule adds up to one hundred or more, it will be unnecessary for him to prove that he is totally disabled.

*Clause 2 (1) (k).*—In computing wages it will be necessary to estimate the value of any concessions in such matters as house-rent, food or clothing given by the employer.

*Clause 2 (1) (l).*—With the exception of railway workers, the classes of workmen covered by the Act are specified in Schedule II. The exceptions are :—

- (i) Non-manual workers drawing more than Rs. 300 a month. Men of this type should be qualified, by their education and their means, to make provision for themselves.
- (ii) Casual labourers who are not employed for the purposes of the employer's trade or business. There are obvious practical difficulties in the way of including such men, and they are generally excluded in other countries.
- (iii) The armed forces of the Crown. These men contract to serve on the understanding that they may be subjected to abnormal hazards, and separate provision is made for those who sustain injuries in the course of their duties.

In the case of railway workers the first exception does not apply. With the exception of persons permanently employed in the larger railway offices, all railway employees have to undergo a certain amount of risk, and there would be great difficulty in making a distinction between manual and non-manual workers.

*Clause 2 (3).*—The sub-clause gives power to the Government of India to bring within the scope of the Act any class of workman whose occupation is more than usually hazardous. At the same time, it will be possible, in the case of workmen so included, to impose restrictions of the type exemplified in clause 6 (1), proviso (c).

*Clause 3.*—This clause is based on the provisions of the Employers' Liability Act, 1880 (43 & 44 Vict., c. 42), sections 1 and 2. The effect is to remove, in certain specified cases, a particular line of defence which may be open to the employer. Under the English common law an employer is not ordinarily liable to any employee for any injury which arises from the act or default of a fellow employee and the majority of injuries probably arise in this way. This defence is generally regarded as inequitable.

*Clause 4.*—This clause is intended to prevent any hardship which might be caused to workmen by the application of the common law doctrine of assumed risk, by which an employer is not liable for damage caused to his workmen through the ordinary risk of the employment, while a workman is presumed to have assumed any risk which is apparent at the time of entering on the employment, although in fact he may have had no knowledge of its existence.

*Clause 5.*—The period of limitation which must be observed if a workman is to have the benefit of clauses 3 and 4 is made to correspond with the period of limitation for workmen's compensation laid down in clause 13.

*Clause 6 (1), Proviso (a).*—It is unnecessary to give compensation for very trivial injuries, and to do so would result in malingering and would complicate the administration enormously. All Workmen's Compensation Acts, therefore, specify a waiting period; this is here fixed at ten days.

*Proviso (b).*—If the workman himself is directly responsible for the accident, the employer should not ordinarily be liable for compensation. An exception is made in the case where very serious results arise from the accident, as it is felt that to deprive a workman of all compensation in such cases would act as a great hardship. Half the usual compensation is therefore allowed in cases where the workman is killed, or is completely disabled for life. An additional argument for making an exception in such cases is that the effects of the accident will be acutely felt by others than the workman himself. No provision is made for the case of self-inflicted injuries, as injuries so caused would not be held to have arisen from an accident.

*Proviso (c) (i).*—Sewage workers have been included in the Bill, only because they are subjected to the risk of losing their lives by sewer-gas poisoning. The application of the Bill in their case has therefore been restricted to this risk.

*Proviso (c) (ii).*—The case of the building trades is one of great difficulty. Following the general principles, it is undesirable that unorganised industries should be included within the scope of the Bill. In the building trades, however, it is not possible to devise any logical definition which will include all those engaged in the more organised branches of work and exclude all the others. And in view of the fact that this industry



is distinctly hazardous to the workman, it is undesirable to exclude it altogether. An endeavour has therefore been made, by means of the definition in Schedule II (vi), and the restriction here made, to surmount the administrative difficulties involved in the inclusion of this class of industry.

*Clause 6 (2).*—Certain occupations involve clear risks from specified diseases. If the workers in these occupations contract particular diseases, it is practically certain that the disease arose out of the employment. But most industrial diseases are contracted gradually, and in the case of a workman who has pursued the same occupation under several employers, it is not always possible to assign responsibility to any particular employer. This is especially the case as regards lead poisoning and phosphorus poisoning, the two diseases at present entered in Schedule III. On the other hand, anthrax is a disease which is not contracted gradually. The clause accordingly provides that, where a workman contracts one of the three specified occupational diseases, it is for the employer to prove that the disease did not result from the employment. Except in the case of anthrax, the grant of compensation is subject to the condition that six months should have elapsed since the workman took service with the employer concerned.

*Clause 6 (3).*—Power is given by this sub-clause to the Government of India to add occupational diseases to Schedule III, as further experience or the introduction of new industries renders this necessary.

*Clause 6 (4).*—A workman is not precluded from proving that he contracted any disease as the result of an accident. For example, a workman who contracted a mental disease as a result of a blow on his head should obviously have a claim for compensation. At the same time, in such cases, the workman will have to prove that the disease arose solely and directly from the injury he sustained.

*Clause 6 (5).*—In order to avoid unnecessary litigation, and to prevent double claims against employers, a workman who considers that, in addition to a claim for compensation he could also sue in a civil court for damages is compelled to choose which remedy he will take, and is bound by his own decision when taken. In the case of all but the most highly paid workmen, there would be little advantage in choosing to sue for damages, but a workman in receipt of a high salary may prefer to do so, as no limit is set to the amount he can recover in a civil court whereas strict limits are set to compensation.

*Clause 7.*—The results of injuries, so far as compensations are concerned, are divided into—

- A. Death.
- B. Permanent total disablement.
- C. Permanent partial disablement.
- D. Temporary disablement.

- Many workmen are employed at very long distances from their homes, and when they are seriously injured, they will desire to return to their homes. It would be very inconvenient for such workmen to arrange for the transmission of small half-monthly payments, and the employer would be put to equal trouble by such an arrangement. In each of the first three cases provision is therefore made for payment by lump sums. In the fourth case, payment is ordinarily to be in a series of half-monthly sums. Provision for commutation of such sums is made in clause 10.

In every case a distinction is drawn between adults and minors. This distinction is based on two considerations :—

- (1) A minor does not ordinarily support a family ;
- (2) A minor is usually in receipt of a much lower wage than he may reasonably expect to earn during the greater part of his working life.

It is therefore provided that in the case of the death of a minor compensation should be limited to Rs. 50 ; this sum will be sufficient to cover funeral expenses. On the other hand, if a minor is permanently disabled for life, he should obviously receive as much as an adult in the same class of society. On the assumption that his wages will normally be about half the wages of the corresponding adult, he is awarded for every permanent injury double the number of months' wages that an adult will receive, but subject to the same maximum. In the case of temporary disablement, it would be difficult for a minor to live on one-half of his ordinary wages. He is therefore given two-thirds of his ordinary wages, and provision has been made in clause 9 for an increase in the amount when he attains 15 years of age.

Limits are set to compensation in every case. If an adult is killed or is totally disabled for life, the maximum compensation is that which a person in receipt of Rs. 83-5-4 a month would receive. For temporary disablement the corresponding limit is Rs. 60 a month. For a minor the limits are respectively, for permanent disablement Rs. 41-10-8, and for temporary disablement Rs. 45.

An endeavour has been made in Schedule I to specify all the commoner permanent injuries which are easily recognised, and to specify, by means of percentages of the compensation payable for permanent total disablement, definite sums and corresponding maxima. It is not possible to include every injury in such a Schedule, and it is provided that in other cases compensation should be based on the estimated loss of earning capacity.



It will be noticed that no distinction as regards compensation has been made between complete and partial temporary disablement, so long as the injured man is not actually working. If the injured man is at work, the employer is entitled to deduct from his original wage, the wage that the workman is actually earning, before such compensation is calculated. Thus an employer is not entitled to reduce the amount of compensation payable merely because the injured man might be able to earn some money if he tried. Such a provision would necessitate the calculation in every case of the loss of earning capacity, with innumerable disputes in consequence. The employer is protected against fraud—

- (1) by the exclusion of the trivial injuries on account of the ten days waiting period [Clause 6 (1) (a)] ;
- (2) by the fact that a workman will find it difficult to support a family for any period on half wages ;
- (3) by the power given by clause 9 to the employer to apply for review.

In no case does the compensation payable depend upon the actual number of surviving dependants. Numerous disputes regarding relationship, and long delays in preparing a complete list of relationships are thus avoided. At the same time, the employer is not tempted to discriminate against men with numerous relations.

*Clause 8.*—The provisions contained in sub-clauses (a) and (b) are designed to give fair estimates of the average actual earnings of a workman. The sums so reached are to be converted into a second set of sums, in accordance with the table given in Schedule IV. The object of this conversion is to prevent disputes regarding small differences in the employer's and workman's estimate of the wage. Such differences will not infrequently arise, especially when the difficulty of estimating the value of a free house and similar concessions is remembered. The effect of the Schedule is to render minor differences immaterial in most cases.

*Clause 9.*—Provision is made for review on the application of either party, but it is intended that review should not normally take place unless a medical certificate indicating a change is furnished. It may, however, be desirable that the review should take place in other cases, and it is intended to make provision for this by rules.

Special provision is made for minors in order that, on attaining the age of 15 years, they may be placed in a position as favourable as if the accident had occurred after, instead of before, they had attained their majority. (See note on clause 7.)

*Clause 10.*—Half-monthly payments may at any time be commuted to lump sums by agreement of the parties, but subject to certain safeguards contained in clause 31. At the same time, provision is made for commutation on the application of either party after six months have elapsed. This is designed to protect an employer when a workman with a comparatively trifling injury declines to return to work, and to assist a workman who wishes to return to his home, when the employer refuses to come to a final settlement.

*Clause 11.*—When a workman is killed, the employer is not directly interested in the actual number of dependants, and some time may elapse before sufficient information is available to enable the money to be equitably distributed. The responsibility of distribution is therefore thrown on the Commissioner, who will examine the extent to which each claimant should benefit, and will make inquiries regarding absent dependants, if necessary. Employers are also enabled to deposit any compensation payable with the Commissioner, and to obtain their discharge from him. The Commissioner is also made responsible for the adequate protection of the interests of minors.

Cases may arise where it is difficult to form conclusions regarding the results of an accident. For example, in the case of a minor who is in a critical condition there will be a very large difference in the sum payable in the cases where he does or does not die before the employer pays compensation or the Commissioner makes his award. The Commissioner is therefore empowered by sub-clause (7) to suspend final decision of the case, and to order half-monthly payments, but in no case will such payments be recoverable from the workmen.

*Clause 12.*—This is designed, as far as is possible, to protect workmen from claims by money-lenders and others.

*Clause 13.*—In order to prevent fraudulent claims, it is essential that the period of notice should be as short as possible. Seventy-two hours has been fixed as the normal period, but power is given to the Commissioner to extend the period in hard cases. Special provision is made for seamen in clause 18 (1).

*Clause 14.*—It is essential that an employer should be in a position to satisfy himself that a workman is actually injured and necessary provision is made in sub-clauses (1), (2) and (3).

It is easily possible for a workman to aggravate his injuries seriously by failing to take adequate medical precautions. For example a workman who has sustained a trifling cut may, by failure to disinfect the wound, cause his own death from tetanus or blood poisoning. Sub-clause (4) protects an employer against such aggravation, but only in cases where he has offered qualified medical attendance free of charge. It is hoped that a provision of this kind will encourage employers to provide good medical treatment for their workers.

*Clause 15 (1).*—Where a employer does his work through contractors, special provision is necessary. In some cases the employer can reasonably be held responsible for the conditions of employment; in other cases he cannot. The distinction made here is between contractors who are employed in the course of, or for the purposes of, the original employer's trade or business and those who are not. Only in the latter case will the contractor be liable to pay the compensation; in all other cases the original employer will be liable. Thus for example, if a mine owner engages his labour by means of contractors who supervise these men while at work, the mine owner will be responsible. But if the owner of a cotton mill employs an engineering firm to erect an extension to his mill, the engineering firm will be liable to pay compensation to the men they employ.

*Clause 15 (2).*—This is a temporary provision, designed to cover the case of contracts made before the Act comes into force.

*Clause 15 (3).*—Two exceptions are made. If a contractor does his work elsewhere than in or about the original employer's premises, the latter has no real control over the safety of the workman, and he is therefore relieved from responsibility. In the second place, in view of the provisions of clause 2 (2), it is necessary to insert exception (b) in order to avoid placing local authorities and Government departments at a disadvantage. If a municipality engages an engineering firm to construct a new water works, it is obviously the contracting firm which should pay compensation to the workmen it employs.

*Clause 16.*—Where a third party was responsible for the accident, this clause enables the employer to recover from that third party any compensation he has paid to his workmen, in addition to any other damages he may be able to claim.

*Clause 17.*—This clause follows generally the lines of section 5 of the Workmen's Compensation Act, 1906 (6 Edw. 7, c. 58), but goes somewhat further in the endeavour to protect workmen against loss in the event of the bankruptcy of their employers. The effect is to give the workman all the rights which his employer would have had against any person or company with whom the employer may be insured. Sub-clause (3) goes a little further than this in providing that a breach of the contract by the employer shall not operate against the workman so long as the premia have been regularly paid. Thus, if the contract contained a condition that the employer should provide certain safety devices, and this condition had been violated by the employer, that fact would not prevent the workman from recovering from the insurance company: the latter would, however, retain a claim against the employer.

The workman is further protected by the priority given to his claim in bankruptcy proceedings.

*Clause 18.*—The special provisions made for seamen follow closely the lines of section 7 (1) of the Workmen's Compensation Act, 1906 (6 Edw. 7, c. 58), but it is not legally possible to abrogate section 503 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), which imposes a statutory limit on the liability of a ship-owner.

*Clause 20.*—The prevention of contracting out is essential in order to ensure to workmen the benefits of the Act.

*Clause 21.*—No person can be employed in a factory as a child unless he is in possession of a certificate from a certifying surgeon declaring his age. It should not be possible for either the employer or the workman to attempt to prove that the certificate did not give the correct age of the workman, when, as a matter of fact, the conditions of employment had been determined by the age so given. This clause will estop such a plea.

*Clause 22.*—No case can be taken to a Commissioner until the parties have made a previous attempt to settle it by agreement. [*Cf. clause 25 (1)*].

*Clause 23.*—This clause will not operate to prevent a Local Government from appointing an ordinary judicial officer to act as a Commissioner for any area, but such a Commissioner, if appointed, will act as a Commissioner and not as a Judge.

*Clauses 24 to 27.*—These are of a purely formal nature. Further provision for regulating the transfer of cases from one Commissioner to another is made in clause 35 (2) (d).

*Clause 28.*—The method of recording evidence adopted follows generally the method prescribed in the Code of Criminal Procedure, 1898, for the hearing of summons-cases.

*Clause 30.*—The Commissioner may be enabled, by the use of this clause, to avoid an appeal and consequent expense to the parties.

*Clauses 31 and 32.*—The registration of agreements is not made compulsory, as such a step would involve the bringing of a large number of unimportant cases before the Commissioner. But agreements of certain kinds which have not been registered will confer no immunity from liability to pay compensation. As there is considerable danger that workmen may be willing to commute half-monthly payments for inadequate sums, discretion is left to the Commissioner to refuse to register an agreement and to pass any order he thinks fit in such a case.

*Clause 33.*—An endeavour has been made to limit appeals as far as is reasonable.

It will be noticed that an order for the payment of half-monthly sums is not appealable, but, if it is likely that any large sum will eventually be involved in such payments, it is open to either party to apply for commutation at the end of six months (*i.e.*, when



the total compensation paid will not have exceeded Rs. 180). An order awarding any substantial sum, and an order refusing to allow commutation, will then equally be appealable.

*Clause 34.*—This will enable the Commissioner to secure prompt payment of any compensation due.

*Clauses 35 to 37.*—These are for the most part consequential on previous clauses. It will be open to any Local Government which desires to do so to remit court-fees in compensation cases.

*Schedule I.*—See Notes on Clauses 2 (1) (f), 2 (1) (j) and 7.

*Schedule II (vi).*—The effect of this is to include all factories which employ not less than 20 persons and which use steam, water or other mechanical power or electrical power.

(iv) See Note on Clause 2 (1) (i).

(vi) See Note on Clause 6 (1) Proviso (c) (ii).

(viii) See Note on Clause 6 (1) Proviso (c) (i).

*Schedule III.*—See Note on Clause 6 (2).

*Schedule IV.*—See Note on Clause 8.

C. A. INNES.

SIMLA :

The 29th August 1922. }

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 15th September 1922:

No. 28 OF 1922.

A

## BILL

*to amend and consolidate the law relating to the regulation and inspection of mines.*

WHEREAS it is expedient to amend and consolidate the law relating to the regulation and inspection of mines; it is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

Short title,  
extent and com-  
mencement.

1. (1) This Act may be called the Indian Mines Act, 1922.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Saving of  
Reg. XII of 1887.

2. Nothing in this Act shall be construed to affect the provisions of the Upper Burma Ruby Regulation, 1887.

XII of 1887.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(a) "agent" when used in relation to a mine, means any person appointed or acting as a representative of the owner in respect of the management of the mine or any part thereof, and as such superior to a manager under this Act;

(b) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act;

(c) "child" means a person under the age of thirteen years;

(d) a person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations;

(e) "Inspector" means an Inspector of Mines appointed under this Act and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform;

(f) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine;

provided that it shall not include—

(i) any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals; or

(ii) any excavation in no part of which work has been in progress for any purpose aforesaid for an aggregate period of more than three months, or for such less period as the Local Government may specify by

notification in the local official Gazette, from the first commencement of mining operations in such excavation; or

(iii) any excavation made for prospecting purposes only, and not for the purpose of obtaining minerals for sale, so long as not more than twenty persons, or such less number as the Local Government may specify by notification in the local official Gazette, are employed in or about such excavation;

(g) "owner," when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;

(h) "prescribed" means prescribed by regulations, rules or bye-laws;

(i) "qualified medical practitioner" means any person registered under the Medical Act, 1858, or any Act amending the same or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such last-mentioned Act is in force, any person declared by the Local Government, by notification in the local official Gazette, to be a qualified medical practitioner for the purposes of this Act;

21 & 22 Vict.,  
c. 90.

(j) "regulations," "rules" and "bye-laws" mean respectively regulations, rules and bye-laws made under this Act;

(k) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days; and

(l) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

## CHAPTER II.

### INSPECTORS.

Chief Inspector  
and Inspectors.

4. (1) The Governor-General in Council may by notification in the Gazette of India, appoint a duly qualified person to be Chief Inspector of Mines for the whole of British India, and duly qualified persons to be Inspectors of Mines subordinate to the Chief Inspector.

(2) No person shall be appointed to be Chief Inspector or an Inspector, or, having been appointed shall continue to hold such office, who is or becomes directly or indirectly interested in any mine or mining rights in India.

(3) The District Magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders of the Local Government:

Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 19 or section 32.

(4) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

Functions of  
Inspectors.

5. (1) The Chief Inspector may, by order in writing, subject to regulations, prohibit or restrict the exercise by any Inspector named, or any class of Inspectors specified, in the order of any power conferred on Inspectors by this Act, and shall, subject as aforesaid, declare the local area or areas within which, or the group or class of mines with respect to which Inspectors shall exercise their respective powers.

(2) The Inspector shall give information to owners, agents and managers of mines, situate within the local area or areas or belonging to the group or class of mines, in respect of which he exercises powers under sub-section (1) as to all regulations and rules which concern them respectively and as to the places where copies of such regulations and rules may be obtained.

Powers of Inspectors of Mines.

6. The Chief Inspector and any Inspector may—

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine;

(b) with such assistants (if any) as he thinks fit, enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine;

(c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the safety of the persons employed in the mine.

Powers of special officer to enter, measure, etc.

7. Any person in the service of the Government duly authorised by a special order in writing of the Chief Inspector or of an Inspector in this behalf may, for the purpose of surveying, levelling or measuring in any mine, after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine.

Facilities to be afforded to Inspectors.

8. Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorised under section 7 all reasonable facilities for making any entry, inspection, survey, measurement, examination or inquiry under this Act.

Secrecy of information obtained.

9. (1) All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him, in the course of the inspection of any mine under this Act or acquired by any person authorised under section 7 in the exercise of his duties thereunder, shall be regarded as strictly confidential.

(2) If the Chief Inspector, or an Inspector or any other person referred to in sub-section (1), discloses to any one, other than a Magistrate or an officer to whom he is subordinate, any such information as aforesaid without the consent of the Governor-General in Council or of the Local Government, he shall be guilty of a breach of official trust, and shall be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1889.

XV of 1889.

(3) No Court shall proceed to the trial of any offence under this section except on complaint made by order of, or under authority from, the Governor-General in Council or the Local Government, or made by a person aggrieved by the offence.



## CHAPTER III.

## MINING BOARDS AND COMMITTEES.

## Mining Boards.

10. (1) The Local Government may constitute for the province, or for any part of the province, or for any group or class of mines in the province, a Mining Board consisting of—

- (a) a person in the service of the Government, not being the Chief Inspector or an Inspector, nominated by the Local Government to act as chairman;
- (b) the Chief Inspector or an Inspector;
- (c) two persons, neither of whom shall be the Chief Inspector or an Inspector, nominated by the Local Government, of whom one shall be a person qualified to represent the interests of persons employed in mines;
- (d) two persons nominated by owners of mines or their representatives in such manner as may be prescribed.

(2) The chairman shall appoint a person to act as secretary to the Board.

(3) The Local Government may give directions as to the payment of travelling expenses incurred by the secretary or any member of any such Mining Board in the performance of his duty as such secretary or member.

## Committees.

11. (1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—

- (a) a chairman nominated by the Local Government or by such officer or authority as the Local Government may authorise in this behalf;
- (b) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee;
- (c) two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the Local Government to represent the interests of the persons employed in the mine.

(2) No Inspector or person employed in or in the management of any mine concerned shall serve as chairman or member of a Committee appointed under this section.

(3) Where an owner, agent or manager fails to exercise his power of nomination under clause (c) of sub-section (1), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to it.

(4) The Committee shall hear and record such information as the Chief Inspector or the Inspector, or the owner, agent or manager of the mine concerned, may place before it, and shall intimate its decision to the Chief Inspector or the Inspector and to the owner, agent or manager of the mine, and shall report its decision to the Local Government or, where a Mining Board has been constituted, to the Local Government through the Mining Board.

(5) On receiving such report the Local Government shall pass orders in conformity therewith unless the Inspector or the owner, agent or manager of the mine has lodged an objection to the decision of the Committee, in which case the Local Government may proceed to review such decision and to pass such orders in the matter as it may think fit. If an objection is lodged by the Inspector, notice of the same shall forthwith be given to the owner, agent or manager of the mine.

(6) The Local Government may give directions as to the remuneration, if any, to be paid to the members of the Committee or any of them, and as to the payment of the expenses of the enquiry including such remuneration.

## Powers of Mining Boards.

12. (1) Any Mining Board constituted under section 10 and any Committee constituted under section 11 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to it.

(2) Every Mining Board constituted under section 10 and every Committee appointed under section 11 shall have the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by any such Mining Board or Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code. V of 1908.  
XLV of 1860.

Recovery of expenses.

**13.** The Local Government may direct that the expenses of any inquiry conducted by a Mining Board constituted under section 10 or by a Committee appointed under section 11 shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid may, on application by the Chief Inspector or an Inspector to a Magistrate having jurisdiction at the place where the mine is situated or where such owner or agent is for the time being resident, be recovered by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to such owner, agent or manager.

#### CHAPTER IV.

##### MINING OPERATIONS AND MANAGEMENT OF MINES.

Notice to be given of mining operations.

**14.** The owner, agent or manager of a mine shall, in the case of an existing mine, within one month from the commencement of this Act, or, in the case of a new mine, within three months after the commencement of mining operations, give to the District Magistrate of the district in which the mine is situated notice in writing in such form and containing such particulars relating to the mine as may be prescribed.

Managers.

**15.** (1) Save as may be otherwise prescribed, every mine shall be under one manager who shall have the prescribed qualifications and shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person, having such qualifications, to be such manager.

(2) If any mine is worked without there being a manager for the mine as required by sub-section (1), the owner and agent shall each be deemed to have contravened the provisions of this section.

Duties and responsibilities of owners, agents and managers.

**16.** (1) The owner, agent or manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

(2) In the event of any contravention of any such provisions by any person whomsoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing those provisions, to prevent such contravention.

#### CHAPTER V.

##### HEALTH AND SAFETY OF WORKERS.

Conservancy.

**17.** There shall be provided and maintained for every mine latrine and urinal accommodation of such kind and on such scale, and such supply of water fit for drinking, as may be prescribed.

Medical appliances.

**18.** At every mine in respect of which the Local Government may, by notification in the local official Gazette, declare this section to apply, such supply of ambulances or stretchers, and of splints, bandages and other medical requirements, as may be prescribed, shall be kept ready at hand in a convenient place and in good and serviceable order.



Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous.

**19.** (1) If in any respect which is not provided against by any express provision of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, it appears to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective, and require the same to be remedied within such time as he may specify in the notice.

(2) If the Chief Inspector or an Inspector is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(3) The Chief Inspector or the Inspector making a requisition under sub-section (1) or an order under sub-section (2) shall forthwith report the same to the Mining Board, or, where there is no Mining Board, to such officer or authority as the Local Government may, by general or special order, appoint in this behalf or, if no such officer or authority has been appointed, to the Local Government, and shall inform the owner, agent or manager of the mine that such report has been so made.

(4) If the owner, agent or manager of the mine objects to a requisition made under sub-section (1) or to an order made under sub-section (2), he may, within twenty days after the receipt of the notice containing the requisition or of the order, send his objection in writing, stating the grounds thereof, to the Mining Board or other authority to which the report has been made under sub-section (3).

(5) A Mining Board or other authority, not being the Local Government, shall on receiving an objection made under sub-section (4), forward it to the Local Government. Every objection so forwarded and every objection sent to the Local Government under sub-section (4) shall be referred to a Committee.

(6) Every requisition made under sub-section (1), or order made under sub-section (2), to which objection is made, under sub-section (4), shall be complied with pending the receipt at the mine of the decision of the committee:

Provided that the Committee may, on the application of the owner, agent or manager suspend the operation of a requisition under sub-section (1) pending its decision on the objection.

(7) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898.

V of 1908.

Notice to be given of accident.

**20.** When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion or ignition occurs in or about a mine, the owner, agent or manager of the mine shall give such notice of the accident, explosion or ignition to such authorities, and in such form, and within such time, as may be prescribed.

Power of Government to appoint court inquiry in cases of accidents.

**21.** (1) When any accidental explosion or ignition or other accident has occurred in or about any mine, the Local Government, if it is of opinion that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, may appoint a competent person to hold such inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the enquiry.

(2) The person appointed to hold any such inquiry shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person

V of 1898.



as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(4) The person holding an inquiry under this section shall make a report to the Local Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make.

Publication of reports.

**22.** The Local Government may cause any report submitted by a Committee under section 11 or by a court of enquiry under section 21 to be published at such time and in such manner as it may think fit.

XLV of 1860.

## CHAPTER VI.

### HOURS AND LIMITATION OF EMPLOYMENT.

Hours of employment.

**23.** No person shall be employed in a mine—

- (a) on more than six days in any one week,
- (b) if he works above ground, for more than sixty hours in any one week,
- (c) if he works below ground, for more than fifty-four hours in any one week.

Supervising staff.

**24.** Nothing in section 23 shall apply to persons who may by rules be defined to be persons holding positions of supervision or management or employed in a confidential capacity.

Exemption from provisions regarding employment.

**25.** In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, the manager may, subject to the provisions of section 19, permit persons to be employed in contravention of section 23 on such work as may be necessary to protect the safety of the mine or of the persons employed therein :

Provided that, where such occasion arises, a record of the fact shall immediately be made by the manager and shall be placed before the Chief Inspector or the Inspector at his next inspection of the mine.

Children.

**26.** No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.

Disputes as to age.

**27. (1)** If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a child, the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, be referred for decision to a qualified medical practitioner specially authorised by the Local Government in this behalf.

(2) Every certificate as to the age of a person which has been granted in the prescribed manner and any certificate granted by a qualified medical practitioner on a reference under sub-section (1) shall, for the purposes of this Act, be conclusive evidence as to the age of the person to whom it relates.

Register of employees.

**28.** For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine, of their hours of work, of their days of rest, and of the nature of their respective employments.

## CHAPTER VII.

### REGULATIONS, RULES AND BYE-LAWS.

Power of Governor-General in Council to make regulations.

**29.** The Governor-General in Council may, by notification in the Gazette of India, make regulations consistent with this Act for all or any of the following purposes, namely :—

- (a) for prescribing the qualifications to be required by a person for appointment as Chief Inspector or Inspector ;

- (b) for prescribing and regulating the duties and powers of the Chief Inspector and of Inspectors in regard to the inspection of mines under this Act ;
- (c) for prescribing the duties of owners, agents and managers of mines and of persons acting under them ;
- (d) for prescribing the qualifications of managers of mines and of persons acting under them ;
- (e) for regulating the manner of ascertaining, by examination or otherwise, the qualifications of managers of mines and persons acting under them, and the granting and renewal of certificates of competency ;
- (f) for fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates ;
- (g) for determining the circumstances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications ;
- (h) for providing for the making of inquiries into charges of misconduct or incompetency on the part of managers of mines and persons acting under them and for the suspension and cancellation of certificates of competency ;
- (i) for regulating, subject to the provisions of the Indian Explosives Act, 1884, and of any rules made thereunder, the storage and use of explosives ; IV of 1884.
- (j) for providing for the safety of the persons employed in a mine, their means of entrance there into and exit therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts, pits, outlets and passages ;
- (k) for providing for the safety of the roads and working places in mines, including the siting and maintenance of pillars and the maintenance of sufficient barriers between mine and mine ;
- (l) for providing for the ventilation of mines and the action to be taken in respect of dust and noxious gases ;
- (m) for providing for the care, and the regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes ;
- (n) for requiring and regulating the use of safety lamps in mines ;
- (o) for providing against the accumulation of water in mines ;
- (p) for prescribing the notices of accidents and dangerous occurrences, and the notices, reports and returns of mineral output, persons employed and other matters provided for by regulations, to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time within which they are to be submitted ;
- (q) for prescribing the plans to be kept by owners, agents and managers of mines and the manner and places in which such plans are to be kept for purposes of record ;
- (r) for regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines ;
- (s) for prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under section 14 ; and



- (t) for prescribing the notice to be given by the owner, agent or manager of a mine before mining operations are commenced at or extended to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work or classes of public works which the Local Government may, by general or special order, specify in this behalf. IX of 1890.

Power of Local Governments to make rules.

30. The Local Government may, subject to the control of the Governor-General in Council, by notification in the local official Gazette, make rules consistent with this Act for all or any of the following purposes, namely :—

- (a) for providing for the appointment of chairmen and members of Mining Boards, and for regulating the procedure of such Boards;
- (b) for providing for the appointment of courts of inquiry under section 21, for regulating the procedure and powers of such courts, for the payment of travelling allowance to the members, and for the recovery of the expenses of such courts from the manager, owner or agent of the mine concerned;
- (c) for prescribing the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking-water, the supply and maintenance of medical appliances and comforts, the formation and training of rescue brigades, and the training of men in ambulance work ;
- (d) for prohibiting, restricting or regulating the presence or employment in mines of women either above or below ground or on particular kinds of labour ;
- (e) for defining the persons who shall, for the purposes of section 24, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity ;
- (f) for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to be more than thirteen years of age, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked ;
- (g) for prescribing the form of register required by section 28 ;
- (h) for prescribing abstracts of this Act and the vernacular in which the abstracts and the regulations, rules and bye-laws shall be posted as required by sections 32 and 33 ;
- (i) for requiring the fencing of any mine or part of a mine, whether the same is being worked or not, where such fencing is necessary for the protection of the public ;
- (j) for the protection from injury, by reason of the discontinuance of work in any mine of property vested in His Majesty or any local authority or railway company as defined in the Indian Railways Act, 1890 ;
- (k) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the times within which they are to be submitted ; and IX of 1890.
- (l) generally to provide for any matter not provided for by this Act or the regulations provision for which is required in order to give effect to this Act.

Prior publication of regulations and rules

31. (1) The power to make regulations and rules conferred by sections 29 and 30 is subject to the condition of the regulations and rules being made after previous publication.



(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information. X of 1897.

(3) The Local Government shall refer to every Mining Board constituted in the province any rule which it proposes to make before such rule is published for criticism under sub-section (1), and the rule shall not be so published until each such Board has reported as to the expediency of making the same and as to the suitability of its provisions.

(4) Regulations and rules shall be published in the Gazette of India and the local official Gazette, respectively, and, on such publication, shall have effect as if enacted in this Act.

#### Bye-laws.

**32.** (1) The owner, agent or manager of a mine may, and shall if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector a draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, for the control and guidance of the persons acting in the management of, or employed in, the mine as such owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.

(2) If any such owner agent or manager—

- (a) fails to submit within a reasonable time a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or
- (b) submits a draft of bye-laws which is not in the opinion of the Chief Inspector or Inspector sufficient,

the Chief Inspector or Inspector may—

- (i) propose a draft of such bye-laws as appear to him to be sufficient, or
- (ii) proposes such amendments in any draft submitted to him by the owner, agent or manager as will, in his opinion, render it sufficient,

and shall send such draft bye-laws or draft amendments to the owner, agent or manager, as the case may be, for consideration.

(3) If within a period of two months from the date on which any draft bye-laws or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section (1), the Chief Inspector or Inspector shall refer the draft bye-laws for settlement to the Mining Board or, where there is no Mining Board, to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.

- (4) (a) When such draft bye-laws have been agreed to by the owner, agent or manager and the Chief Inspector or Inspector, or, when they are unable to agree, have been settled by the Mining Board or such officer or authority as aforesaid, a copy of the draft bye-laws shall be sent by the Chief Inspector or Inspector to the Local Government for approval.
- (b) The Local Government may make such modifications of the draft bye-laws as it thinks fit.
- (c) Before the Local Government approves the draft bye-laws, whether with or without modifications, there shall be published, in such manner as the Local Government may think best adapted for informing the persons affected notice of the proposal to make the bye-laws and of the place where copies of the draft bye-laws may be obtained, and of the time (which shall not be less than thirty days) within which any objections with reference to the draft bye-laws, made by or on behalf of persons affected, should be sent to the Local Government.

(d) Every objection shall be in writing and shall state—

- (i) the specific grounds of objection, and
- (ii) the omissions, additions or modifications asked for.

(e) The Local Government shall consider any objection made within the required time by or on behalf of persons appearing to it to be affected and may approve the bye-laws either in the form in which they were published or after making such amendments thereto as it thinks fit.

(5) The bye-laws, when so approved by the Local Government, shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws, in English and in such vernacular or vernaculars as may be prescribed, to be posted up in some conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed; and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.

Posting up of  
extracts from  
Act, regulations,  
etc.

33. There shall be kept posted up at every mine in English and in such vernacular or vernaculars as may be prescribed the prescribed abstracts of the Act and of the regulations and rules.

## CHAPTER VIII.

### PENALTIES AND PROCEDURE.

Obstruction.

34. Whoever obstructs the Chief Inspector, an Inspector or any person authorised under section 7 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief Inspector, an Inspector or such person any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any mine, or refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent, or does anything calculated to prevent, any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Falsification of  
records, etc.

35. Whoever—

- (a) counterfeits, or knowingly makes a false statement in any certificate, or any official copy of a certificate, granted under this Act, or
- (b) knowingly uses as true any such counterfeit or false certificate, or
- (c) makes or produces or uses any false declaration, statement or evidence knowing the same to be false, for the purpose of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or
- (d) falsifies any plan or register or record the maintenance of which is required by or under this Act, or
- (e) makes, gives or delivers any plan, record or return containing a statement, entry or detail which is not to the best of his knowledge or belief true,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Omission to  
furnish plans, etc.

36. Whoever omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, return, notice, register, record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to two hundred rupees.



Contravention  
of provisions  
regarding employ-  
ment of labour.

**37.** Whoever, save as permitted by section 25, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder restricting or regulating the employment or presence of persons in or about a mine shall be punishable with fine which may extend to five hundred rupees.

Notice  
of accidents.

**38.** Whoever, in contravention of the provisions of section 20, fails to give notice of an accidental explosion or ignition or other accident shall, if the explosion, ignition or accident results in serious bodily injury, be punishable with fine which may extend to five hundred rupees, or, if the accident results in loss of life, be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Disobedience of  
orders.

**39.** Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder for the contravention of which no penalty is hereinbefore provided shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing breach, with a further fine which may extend to one hundred rupees for every day after the first day during which the breach is proved to have been persisted in.

Contravention  
of law with  
dangerous results.

**40.** (1) Notwithstanding anything hereinbefore contained whoever contravenes any provision of this Act or any regulation, rule or bye-law or of any order made thereunder, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both; or, if such contravention results in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if such contravention otherwise causes injury or danger to workers or other persons in or about the mine, with imprisonment which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

(2) Where a person having been convicted under this section is again convicted thereunder, he shall be punishable with double the punishment provided by sub-section (1).

(3) Any Court imposing, or confirming in appeal, revision, or otherwise, a sentence of fine passed under this section may, when passing judgment order the whole or any part of the fine recovered to be paid as compensation to the person injured, or, in the case of his death, to his legal representative:

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.

Prosecution of  
owner, agent or  
manager.

**41.** No prosecution shall be instituted against any owner, agent or manager for any offence under this Act except at the instance of the Chief Inspector or of the District Magistrate or an Inspector.

Limitation of  
prosecutions.

**42.** No Court shall take cognizance of any offence under this Act unless complaint thereof has been made within six months of the date on which the commission of the offence is detected.

Cognizance of  
offences.

**43.** No Court inferior to that of a Presidency Magistrate or Magistrate of the first class or Subdivisional Magistrate shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this Act made punishable with imprisonment.

Reference to  
Mining Board or  
Committee in lieu  
of prosecution in  
certain cases.

**44.** If the Court trying any case instituted at the instance of the District Magistrate or an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution be referred to a Mining Board or a Committee it may stay the criminal proceedings, and report the matter to the Local Government with a view to such reference being made.



## CHAPTER IX.

## MISCELLANEOUS.

Decision of  
question whether  
a mine is under  
this Act.

45. If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the Local Government may decide the question and a certificate signed by a Secretary to the Local Government shall be conclusive on the point.

Power to  
exempt from  
operation of Act.

46. (1) The Governor-General in Council may, by notification in the Gazette of India, exempt any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any specified provisions of this Act:

Provided that no local area or mine or group or class of mines shall be exempted from the operations of section 26 unless it is also exempted from the operation of all the other provisions of this Act.

(2) On the occurrence of any public emergency the Local Government may, by an order in writing, confer any exemption which might be conferred by the Governor-General in Council under sub-section (1). When such an order is made, a copy thereof shall forthwith be sent to the Governor-General in Council.

Power to alter  
or rescind orders.

47. The Governor-General in Council and every Local Government may reverse or modify any order passed under this Act by any authority subject to his or its control, as the case may be.

Application of  
Act to Crown  
mines.

48. This Act shall apply to mines belonging to the Crown.

Saving.

49. No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Repeals.

50. On and from the commencement of this Act, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof.

## THE SCHEDULE.

(See section 50).

## ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
1901	VIII	The Indian Mines Act, 1901.	The whole.
1914	IV	The Decentralisation Act, 1914.	So much of the Schedule as relates to the Indian Mines Act, 1901.
"	X	The Repealing and Amending Act, 1914.	So much of the Second Schedule as relates to the Indian Mines Act, 1901.

## STATEMENT OF OBJECTS AND REASONS.

Several reasons exist which necessitate an amendment of the existing Indian Mines Act, 1901 (VIII of 1901). The 'regulation of mines' is a central subject, and it is now necessary clearly to define the functions of the Central and Provincial Governments, respectively, in respect of the mining law. At present no such division of functions is apparent, both the Central and the Local Governments having power to make rules in order to carry out the purposes and objects of the Act. It is proposed that the Central Government, upon whom under the Devolution Rules the duty of regulating mines and securing the safety of workers therein devolves, should alone have the power to deal with the technical administration of the Act, while Local Governments will deal with minor matters of administration.

2. Further, the acceptance by the Legislature in March, 1921, of certain conventions passed at the first (Washington) meeting of the International Labour Conference necessitates the regulation of hours of employment and of the employment of children. Provisions in accordance with these recommendations have been incorporated in the Bill. In accordance too, with the recommendation of the third (Geneva) meeting of the International Labour Conference, a weekly day of rest will be prescribed. On the analogy of the revised Factories Act, the Governor-General in Council is being given the power to exempt certain classes of labour from the provisions relating to the hours of employment and the weekly day of rest. Of the other amendments proposed, the most important are a revision of the 'penalty' clauses, and the modification of the existing definitions of a 'child' and of a 'mine.' In the appended Notes an explanation is given of the more important changes which have been introduced in the amending Bill.

#### NOTES ON CLAUSES.

*Clause 3 (c).*—The present definition defines a child as a person under 12 years of age. For persons over 12 and under 15, it would be desirable, on the analogy of the Indian Factories Act, 1911, to institute a half-time system, but, owing to the conditions under which Indian mine labour works, it is impracticable to insist on such a system in Indian mines. It is, therefore, suggested that the difficulty may be met by increasing the age-limit of a child to 13 and treating all persons above that age as adults.

*Clause 3 (d).*—The present definition of a mine is unsatisfactory, being a mixture of the definition of a mine as defined by the English Coal Mines Regulation and of a quarry as defined in the English Quarries Act. The amended definition in the Bill will bring within the scope of the Act any excavation for the purpose of searching for or obtaining minerals, whatever the depth may be, and will also include the upper works as well as the operations below the surface. Three provisos have been added which exclude from the definition and, therefore, from the operation of the Mines Act, the premises where manufacturing processes other than coke-making or the dressing of minerals are carried on, small excavations in which work has been abandoned after less than three months, and minor prospecting operations. The Governments of Bengal and Bihar and Orissa, the Association of Colliery Managers, the Indian Mining Association, the Indian Mining Federation and the Mining Board, Bengal, agree with the terms of the revised definition. While minor coke-making plants will come within the scope of the Mines Act, it is proposed to exempt major coke-making plants under the general exempting clause 46, as it is thought that they can more satisfactorily be dealt with under the Indian Factories Act, 1911.

*Clause 3 (j).*—As a weekly day of rest is to be prescribed, it is necessary, on the analogy of the Indian Factories Act, 1911, to define a 'week.'

*Clause 4.*—Under the existing Act, the Governor-General appoints the Chief Inspector of Mines, while Local Governments appoint the Inspectors of Mines. The Inspectors are subordinate to the Chief Inspector and not to be Local Government; the functions which they perform are concerned with the regulation and inspection of mines which is a central subject, and they are paid for by the Central Government. It is, therefore, anomalous that they should be appointed by Provincial Governments. In actual fact, such appointments are only *nominally* made by the Local Governments, and it is proposed to remove the anomaly in the present Bill. Local Governments have been consulted and agree with this proposal.

*Clause 6.*—The provision in the existing Act, empowering an Inspector to prohibit the employment of certain classes of persons in mines, *e.g.*, lepers or persons suffering from other infectious diseases, has been omitted from the Bill. In their own interests mine managers prohibit the employment of such persons, and the existing clause is in practice a dead letter.

*Clause 7.*—This is a new clause, the introduction of which has been found to be necessary. For instance, if the galleries are approaching the ground below a railway line, it is necessary for the Inspector to send in a surveyor in order to ensure that the galleries have not actually been extended beneath the line and do not thereby imperil its safety.

*Clause 10 (c).*—In accordance with a suggestion made in the Legislative Assembly, provision is made for the inclusion in the Mining Board and also in Committees (*vide* clause 11) of a person nominated by the Local Government to represent the interests of persons employed in the mines.



*Clause 15.*—The corresponding section (No. 30) in the existing Act has been amplified on the lines of the English Act of 1911. In the case of a number of small mines situated close together, it may not be necessary to have a duly qualified manager for each; the expense would in fact be prohibitive. Power is, therefore, reserved to modify this clause by regulation under the regulation-making clause No. 29.

*Clause 17.*—This is new, but follows the Indian Factories Act, 1911, as recently amended.

*Clause 18.*—This reproduces an existing rule. It is thought desirable that it should be included in the body of the Act.

*Clause 19 (2).*—The existing section provides only for the removal of women and children in cases of urgent and immediate danger. The draft Bill empowers the Inspector to remove all persons in such circumstances, with the exception of those whose continuous employment is necessary for the purpose of removing the threatened danger. It will be noted that in such cases an appeal lies from the order of the inspector.

*Clauses 23, 24 and 25.*—These new clauses restricting the hours of employment have been inserted in order to conform with the recommendations of the meetings of the International Labour Conference at Washington and Geneva. In one important class of mines, namely, coal mines in Bengal and Bihar and Orissa, miners rarely work more than three or four days a week, and the restriction in the hours of labour will not cause hardship either to them or to the mine owners. There are, however, certain classes of labour (such as that of pumpmen), which is of an intermittent kind, and it may be desirable, at any rate for the present, to exempt such from the ordinary rules regarding hours of employment. The Governor-General in Council can grant such exemption under clause 46. Provision is also made in the Act to enable a mine manager or the Local Government to contravene clause 23 in case of an emergency.

*Clause 26.*—In the existing Act there is no restriction regarding the employment of children (other than that rendered possible by sub-clause (2) of clause 15 of the Act). In accordance with the recommendation of the International Labour Conference which has been accepted by the Legislature and the Government of India, the employment of children below 12 years of age must now be prohibited. As explained above, it would be desirable to prescribe a half-time system for children above 12 years of age, but, in view of the practical difficulties in the way of adopting this system, it is proposed to meet the case by increasing the age of a child to 13 years and to treat all persons above that age as adults.

At present infant children are (to some extent) taken down the mines by their parents in cases where there is no one with whom they can be left on the surface. This practice obviously impairs the health of the children, and it is therefore proposed to prohibit their presence in the mines at all. The effect of this measure may be to prevent a certain number of women, who would otherwise do mining work, from going down the mine, but in the interests of the health of the community, it is thought that this risk should be faced.

*Clause 27.*—As mine labour is fluid, it is at present impracticable to insist on each person employed in a mine having a certificate of age, as is required in the case of factories. Provision is, therefore, being made—

- (1) to meet the case of disputes between the inspecting staff and the mines staff as to the age of a child, and
- (2) to render the adoption of the certification system possible when circumstances permit

Local Governments are being given power under clause 30 to prescribe a certification system in cases where they think it to be practicable.

*Clause 28.*—If the restrictions on hours of employment are not to be a dead letter, the registers prescribed in this clause must be maintained.

*Clause 29.*—This clause empowers the Central Government to make *regulations* (so called in order to distinguish them from the *rules* made by Local Governments under the following clause), which will deal with all technical matters under the Act. The Local Government under clause 30 is given power to make rules dealing with the general administration of the Act in so far as technical matters are not concerned. This division of functions follows on the Devolution Rules and has been accepted by Local Governments.

*Clause 32.*—The term “bye-laws” is used instead of the existing phrase “special rules” in order to distinguish them from the “regulations” made by the Central Government and the “rules” made by Local Governments.



*Clauses 34 to 40.*—The existing penalty section (No. 22) has been found difficult of interpretation in actual practice, as the various offences and penalties therefor have been to some extent confused. The opportunity is now being taken to re-draft the section in a clearer form. The existing section also provides an inadequate penalty (a maximum term of imprisonment for three months) for the contravention of an order which may result in death or serious bodily injury. Under proposed clause 40 the maximum penalty which can be inflicted for this offence has been increased.

*Clause 46.*—Under the existing Act, the power to exempt any mine or group or class of mines from the provisions of the Act rests with the Local Government. As, however, the Central Government is responsible for the administration of the Act, for the regulation of mines and for the safety of persons employed therein, the power to exempt any particular mine or class of mines in the Act must with the Central Government. The existing clause has been modified accordingly, with the agreement of Local Governments. This clause can also be used to exempt any classes of labour other than children from the provisions of the Act.

The Local Government is given the power to make a special order of exemption in case of a public emergency.

SIMLA ;

C. A. INNES.

The 1st September 1922. }

H. MONCRIEFF SMITH,  
Secretary to the Government of India.



# The Calcutta Gazette

WEDNESDAY, OCTOBER 25, 1922.

## PART VI.

***Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.***

**GOVERNMENT OF INDIA.**

**LEGISLATIVE DEPARTMENT.**

The following Bill was introduced in the Legislative Assembly on the 12th September, 1922 :—

No. 25 of 1922.

A

## BILL

*to amend the Hindu Law of Succession.*

WHEREAS there is difference of opinion as regards the right of illegitimate sons to succeed and their shares in the case of Sudras ;

And whereas the term Sudra is indiscriminately applied to various communities who do not come within that category, and attempts to determine the caste in certain cases are likely to lead to harmful and acrimonious disputes which are not desirable in the public interests ;

And whereas it is desirable that in the Hindu Law of Succession there should not be any distinctions based on caste ; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Illegitimate Sons Rights Act, 192 .

Illegitimate son of Hindu not to inherit property of putative father.

**2.** The illegitimate son of a Hindu of any caste shall not be entitled to inherit or claim any share in the property belonging to the putative father at his death either solely or jointly along with other coparceners, nor shall he be entitled to take the property of the legitimate sons or other descendants of his putative father, either by inheritance or by survivorship.

Saving of rights already admitted or subject of suit.

**3.** This Act applies to all illegitimate sons whose right has not either been admitted or made the subject of a claim in a Civil Court having jurisdiction to entertain the suit.

Illegitimate son's right to maintenance not affected.

**4.** The right of illegitimate sons to maintenance is not in any way affected by this Act.

## STATEMENT OF OBJECTS AND REASONS.

THE difference in the Hindu Law of Succession between illegitimate sons of the three regenerate classes and of the fourth, having been based on the indefiniteness of the marriage sacrament, and looseness of the marriage tie among the latter in ancient times, and they having very much advanced socially, so that the ceremonial and marriage tie among them now is as rigorous as among the first three classes except in the case of a very few communities, it is necessary that this difference should be removed and this Bill is introduced, with the object of making the Hindu Law of Succession uniform for all classes to whom it is applicable.

SIMLA ;

*The 7th July, 1922.*

M. K. REDDI.

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 12th September, 1922 :—

No. 26 OF 1922.

## BILL

*further to amend the Legal Practitioners Act, 1879.*

WHEREAS it is expedient further to amend certain provisions of the law relating to Legal Practitioners, in the manner herein-after appearing: It is hereby enacted as follows :—

Short title.

1. This Act may be called the Legal Practitioners (Amendment) Act, 192 .

Substitution of new section 4 of Act XVIII of 1879.

2. For section 4 of the Legal Practitioners Act, 1879, the XVIII of 1879. following shall be substituted, namely :—

Advocates and Vakils.

"4. (1) Notwithstanding anything to the contrary provided by any law or by any rule framed by any High Court under the Letters Patent constituting such Court or otherwise, every person now or hereinafter entered as an Advocate or as a Vakil on the roll of any High Court under such Letters Patent or under section 41 of this Act, shall be entitled to practise in all matters in the Original as well as Appellate jurisdiction of the Court on the roll of which he is entered.

(2) Every such Advocate or Vakil shall be entitled to practise in all the Courts subordinate to the Court on the roll of which he is entered, and in all revenue-offices situate within the local limits of the appellate jurisdiction of such Court, subject, nevertheless, to the rules in force relating to the language in which the Court or office is to be addressed by pleaders or revenue-agents; and any person so entered who ordinarily practises in the Court on the roll of which he is entered or some Court subordinate thereto shall, notwithstanding anything herein contained, be entitled, as such, to practise in any Court in British India other than a High Court on whose roll he is not entered, or, with the permission of the Court, in any High Court on whose roll he is not entered, and in any revenue-office.

(3) Advocates and Vakils entered on the rolls of any High Court shall, in the conduct of cases, have pre-audience according to the respective dates of their enrolment."

## STATEMENT OF OBJECTS AND REASONS.

THE distinctions between Barristers, enrolled as Advocates, and Vakils, practising in the different Indian High Courts, in the matter of professional rights and privileges, have long been the subject of adverse comment.

Whatever the initial reasons for inequalities based on differences in law, procedure and language in vogue in the highest Courts in the early days of British rule in India, there can no longer be any justification for their continuance, particularly in view of our insistent demand for the recognition of indigenous talent in every other branch of life. The injustice of the position is known to have struck some of the distinguished legal and educational authorities in England also, who have favoured the suggestion for the establishment of a self-contained Indian-Bar, on the lines of Colonial Bars, to which Barristers and Indian-trained pleaders would be admitted on equal terms. This very idea was mooted in the Legislative Assembly in February 1921, in a Resolution moved by Munshi Iswar Saran. The present Bill does not, however, seek to give effect to the ambitious scheme put forward in that connection. It may be looked upon as a tentative measure which, while retaining Advocates and Vakils as two distinct classes, only seeks to remove

the principal disabilities of the latter. It will enable Vakils to practise in all matters in the Original Side of those High Courts in which they are not so authorised at present. It will also do away with the practice under which Advocates take precedence over Vakils, irrespective of their length of practice at the Bar.

The distinctions which this Bill aims at removing owe their existence either to rules framed by the High Courts under their Letters Patent, or otherwise, or to rules of practice recognised by them. The reforms which the Bill has in view could, therefore, be brought about by the High Courts themselves. As matters stand, however, the privileges and disabilities of the Vakils are not the same in all the High Courts; and much as uniformity is desirable in these matters, there is no machinery other than legislation which can secure it. Moreover, it can be claimed that the present Bill is the reflex of strong public opinion in a matter of some national importance, which the Legislature more than any other authority is bound to take into account.

K. C. NEOGY.

The 26th July, 1922.

#### *Notes on Clauses.*

**Clause 2.**—*Proposed sub-section (1) of section 4 of Act XVIII of 1879.*—This authorises Vakils to practise in matters in the Original Side in all the High Courts uniformly, notwithstanding the present bars to such privilege in some of the High Courts. Incidentally, it also recognises the existing right of Advocates to practise in the Original as well as Appellate Side of the High Courts, and of the Vakils to practise in the Appellate Side.

*Proposed sub-section (2) of section 4 of Act XVIII of 1879.*—This practically reproduces the provisions of the existing section 4 of the Act, *minus* its proviso.

*Proposed sub-section (3) of section 4 of Act XVIII of 1879.*—This prescribes the order of pre-audience as between Advocates and Vakils, according to the dates of their enrolment.

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 6th September, 1922 :—

No. 19 OF 1922.

A

## BILL

*further to amend the Court-fees Act, 1870.*

WHEREAS it is expedient further to amend the Court-fees Act, 1870 ; It is hereby enacted as follows :—

VII of 1870.

Short title.

1. This Act may be called the Court-fees (Amendment) Act, 192 .

Amendment of section 4, Act VII of 1870.

2. In section 4 of the Court-fees Act, 1870, for the words " judgment of two " the words and brackets " judgments (other than judgments passed in the exercise of the ordinary original civil jurisdiction of the Court) of one " shall be substituted.

VII of 1870.

## STATEMENT OF OBJECTS AND REASONS.

THE High Court of Judicature at Allahabad has recently held that no Court-fee is leviable under section 4 of the Court-fees Act, 1870 (VII of 1870), in an appeal under the Letters Patent of the various High Courts from the judgment of one Judge of the Court. This was never the intention of the law, and this Bill, therefore, proposes to amend section 4 of the Act so as to provide for the levy of Court-fees on appeals from the judgments of one or more Judges of a High Court, other than judgments passed in the exercise of ordinary original civil jurisdiction.

W. H. VINCENT.

*The 21st June, 1922.*

H. MONCRIEFF SMITH,

*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 20th September, 1922.

A

## BILL

*to define the liability of a Hindu Coparcener.*

WHEREAS doubts have arisen as to the liability of a Hindu coparcener, subject to the *Mitakshara* Law, for the debts incurred by the manager for family necessity, and also as regards the antecedent debt of the father;

AND WHEREAS it is expedient to define his liability;

It is hereby enacted as follows :

Short title,  
commencement  
and extent.

1. (1) This Act may be called the Hindu Coparcener's Liability Act, 192 .

(2) It shall come into force on the            day of

(3) It shall extend to persons subject to the *Mitakshara* Law in the whole of British India.

Interpretation  
clause.

2. In this Act, unless there is anything repugnant in the subject or context,—

(i) "coparcener" includes a minor member of a joint *Mitakshara* family;

(ii) "debt" includes a pecuniary obligation arising out of a contract, express or implied, or from a breach of civil duty;

(iii) "antecedent debt", with reference to a transfer made by the father, means a debt contracted prior thereto in a transaction unconnected therewith.

*Explanation.*—A debt may be antecedent though it was contracted on the security of coparcenary estate.

Coparcener's  
share when liable.

3. Notwithstanding anything otherwise held to the contrary, the interest of a member of a joint *Mitakshara* family in the family property shall be liable for a debt incurred by the manager for legal necessity or for the benefit of the estate, and where the debt is incurred by the father, also for his own antecedent debt, not illegal or immoral.

Extent of son's  
liability.

4. The son is liable to pay his father's debts, not illegal or immoral, to the extent of his interest in the coparcenary estate, or of the assets inherited by him.

Save as above such liability is otherwise co-extensive with that of the father and is not dependent upon the latter's death.

Creditor's suit  
against the son.

5. (1) The unsecured creditor suing the son for the recovery of his father's debt must prove the debt.

(2) It is then upon the son to prove that the debt was non-existent, or that it was illegal or immoral, of which fact the creditor had notice.

(3) The creditor may then show that he had made the loan after reasonable inquiry, being satisfied that it was required for a purpose neither illegal nor immoral.

Mortgagee's  
suit against co-  
parceners.

6. In a suit on a mortgage executed by the father or manager against the other coparceners, it lies on the mortgagee to prove that the debt was contracted for a purpose binding upon them.

Joinder  
parties.

7. In a suit instituted to enforce a mortgage executed by the manager, the other members are proper parties, but their non-joinder does not exempt them from liability, if it appears that they were sufficiently represented by the manager.

Burden where  
purchaser is in  
possession.

8. (1) It lies on the coparcener suing for recovery of joint property sold by the manager to prove that the sale was one which, by its nature and purpose, did not bind his interest, and that the purchaser had notice of it.

(2) In a sale made in execution of a decree obtained against the manager, the Court will presume that the purchaser, if a stranger to the suit, had no notice of anything that does not appear in the decree.

Effect of decree  
against the mana-  
ger.

9. (1) A decree passed against the manager in respect of a liability incurred within the scope of his authority is enforceable against the other members of the joint family, though they may not have been parties to the suit.

(2) But in such case the other members are not precluded from contesting the authority of the manager or the binding nature of the debt.

(3) Where a decree directs sale of the rights, title and interest of the defendant in any property, the question whether the sale so made suffices to pass the entire estate of which the defendant was the manager or only his own interest, is one of construction and intention to be gathered from the proceedings and other circumstances of the case.

(4) In particular and without prejudice to the generality of the foregoing provisions in determining the question, the following facts are material:—

- (a) The nature of the contract, if any.
- (b) The character of the debt.
- (c) The capacity in which the defendant is sued.
- (d) The intention of the Court.
- (e) The price paid by the purchaser.
- (f) And any fact which shows what interest he intended to purchase.

#### Illustration.

A decree is passed against the father A, for sale of his interest in manza B, which is his family property. C objects to the sale of anything beyond A's interest therein on the ground that the decree was obtained for A's immoral debt. He fails to prove it. The sale conveys the entirety of B.

### STATEMENT OF OBJECTS AND REASONS.

THE Bill is intended to restore the current of decisions relating to the coparcener's liability for debts contracted and transfers made by the manager of a *Mitakshara* joint family, and the father who occupied a position of greater strength before the decision of the Privy Council in *Sahu Ram's case* (39 A. 437 P. C.). The case has given rise to a crop of cases upon which there is already a sharp conflict between the several High Courts. In two Full Bench cases the Madras and the Patna High Courts have held the case to leave undisturbed the pre-existing law [43 M. 711; F. B. (1921) Pat. 245 F. B.]; but this view has not found favour with the other Courts (41 A. 235; 529; 52 I. C. Oudh case 449; 22 Oudh case 25; 84; 23 Oudh case 204; 264; 327; 6 Oudh L. J. 297; 331; 48 I. C. Nagpur case 193). Advantage has been taken of the present Bill to define not only the liability of the coparcener and the son but the extent of their rights in the coparcenary estate.

It is hoped that the measure if passed into law will not only quell the doubts which the Courts have felt on the position of coparceners but assist in the administration of Hindu Law, in which others dealing with members of a joint family feel equally concerned, and who have a right to expect from the Legislature a clear enunciation of their rights and liabilities which cannot be left to the chance of litigation.

The notes on clauses hereto appended explain and justify them on the strength of cases noted thereon.

H. S. GOUR.

DELHI:

The 24th November 1921.

### NOTES ON CLAUSES.

Clause 2.—'Debt' has nowhere been defined in the Hindu Law. The question whether it includes a pecuniary liability arising from a breach of civil duty has been answered in the affirmative by the Calcutta High Court (24 C. 672; 39 C. 862).

*Antecedent debt.*—This definition accords with the cases decided before Surit Ram's case (39 A. 377 P. C.) and is in accordance with the decisions of the Full Bench in 43 M. 711 ; 1921 Pat. 245.

It overrules Sahu Ram V. Bhup Singh (39 A. 377 P. C.) so far as it is understood to lay down the contrary and the cases which so understand it.

*Clause 3.*—This is in accordance with the following cases :—

6 M. I. A. 393 ; 40 M. 709 P. C. The position of the father as such is independent his status as manager, *see* 13 C. 21 ; 40 C. 342 ; 33 B. 264 ; 42 M. 711.

*Clause 4.*—This is the effect of 8 B. 220, 309, 33B. 264 ; 40 C. 342. The son's pious obligation arises independently of the father's death—22 M. 49 F. B. which is in accordance with Hindu Law. The contrary laid down by the Privy Council in 39 A. 377 is here overruled.

*Clauses 5—9.*—These are copied from my Hindu Code (ss. 123—127), where numerous authorities will be found cited in support of them.

H. S. GOUR,

DELHI :

The 24th November 1921.





# The Calcutta Gazette

WEDNESDAY, NOVEMBER 1, 1922.

## PART VI.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly, and Bills published under Rule 18 of the Indian Legislative Rules.**

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 23rd September, 1922 :—

No. 31 of 1922.

### BILL

*to amend sections 362 and 366 of the Indian Penal Code.*

WHEREAS it is expedient to amend sections 362 and 366 of XLV of 1860. of the Indian Penal Code ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 1922 .

Amendment of section 362, Act XLV of 1860.

2. In section 362 of the Indian Penal Code (hereinafter referred to as the said Code), after the words " or by " the words " intimidation, abuse of authority or " shall be inserted.

Amendment of section 366, Act XLV of 1860.

3. (1) In section 366 of the said Code, for the words " with intent that she " the following words shall be substituted, namely :—

" or by any means whatsoever induces any minor girl under the age of sixteen years to go from any place or do any act with intent that such woman or girl " .

(2) To the same section the following paragraph shall be added, namely :—

" A person shall be deemed to have committed an offence under this section who brings into British India any woman or girl in respect of whom he has out of British India committed, or abetted the commission of, any act which if committed in British India would be such an offence."

## STATEMENT OF OBJECTS AND REASONS.

Articles 1, 2 and 3 of the International Convention for the Suppression of the White Slave Traffic which was signed at Paris on the 4th May 1910, run as follows:—

*Article 1.*

"Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or girl under age, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries."

*Article 2.*

"Whoever, in order to gratify the passions of another person, has, by fraud, or by means of violence, threats, abuse of authority, or any other method of compulsion, procured, enticed, or led away a woman or girl over age for immoral purposes, shall also be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries."

*Article 3.*

"The Contracting parties whose legislation may not at present be sufficient to deal with the offences contemplated by the two preceding articles engage to take or to propose to their respective Legislatures the necessary steps to punish these offences according to their gravity."

The principles in this International Convention were endorsed in the International Convention regarding the Traffic in Women and Children which was adopted by the Second Assembly of the League of Nations. In Article 1 of this Convention it is provided that the High Contracting Parties in the event of their not being already parties to the International Convention of the 4th May 1910 shall transmit with the least possible delay their ratifications of, or adhesions to, that instrument in the manner laid down therein. Further the term "under age" which did mean under 20 completed years of age according to paragraph B of the Final Protocol of the Convention of 1910 is now interpreted as meaning under 21 completed years of age by virtue of the provisions of Article 5 of the International Convention, adopted by the Second Assembly of the League of Nations.

In view of the Resolutions adopted by the Council of State on the 31st January 1922 and by the Legislative Assembly on the 7th February 1922, the International Convention adopted by the Second Assembly of the League of Nations was signed at Geneva on behalf of the Government of India by His Majesty's Minister at Berne on the 28th March 1922, with the following reservation:

"India reserves the right of its discretion to substitute the age of 16 years or any greater age that may be subsequently decided upon for the age limits prescribed in paragraph B of the Final Protocol of the Convention of May 4th, 1910, and in Article 5 of the present Convention."

Further, on the 26th March 1922, India's accession, subject to a similar reservation, to the White Slave Traffic Convention of 1910 was notified to the French Government by His Majesty's Ambassador at Paris.

The Bill is intended to give effect to the action taken by the Government of India by extending the provisions of section 366 of the Indian Penal Code, so as to cover the offences described in Articles 1 and 2 of the Convention of 1910 on the understanding that the words "under age" and "over age" will be interpreted as meaning under 16 and over 16 years of age respectively.

W. H. VINCENT.

*The 18th September 1922.*

H. MONCRIEFF SMITH,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 20th September 1922 :—

No. 29 OF 1922.

A

## BILL

*further to amend the Legal Practitioners Act, 1879.*

WHEREAS some doubt has been raised whether the word <sup>XVIII of</sup> "person" as used in the Legal Practitioners Act, 1879, includes <sup>1879.</sup> a woman, and whereas it is expedient to remove such doubt ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Legal Practitioners (Amendment) Act, 192 .

Amendment of  
section 3, Act  
XVIII of 1879.

2. In section 3 of the Legal Practitioners Act, 1879, before <sup>XVIII of</sup> the definition of the word "Judge" the following shall be <sup>1879.</sup> inserted, namely :—

"Person" includes a woman.

## STATEMENT OF OBJECTS AND REASONS.

The Legal Practitioners Act provides for the enrolment of "persons" otherwise qualified as Advocates or Vakils. The General Clauses Act, 1897 (X of 1897), provides that "words importing the masculine gender shall be taken to include females." In this view women are entitled to be enrolled under the Act, and they have been held qualified to be so enrolled by the Allahabad High Court. But the Patna High Court has held women disqualified for enrolment by reason of their sex. (In *re* Hazara 1 Pat. 104 F. B.)

In England, the sex bar has now been swept away by Statute, and women are entitled to be enrolled as Barristers, and they will as such be entitled to be enrolled as Advocates in this country. It is not apprehended that the term "person" as used in the Legal Practitioners Act was intended to exclude women, and the Bill is drawn to make this clear.

SIMLA ;

The 8th August 1922.

H. S. GOUR.

H. MONCRIEFF SMITH,

Secretary to the Government of India.





# The Calcutta Gazette

WEDNESDAY, NOVEMBER 8, 1922.

## PART VI.

***Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly, and Bills published under Rule 18 of the Indian Legislative Rules.***

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 6th September 1922 :—

No. 24 OF 1922.

A

### BILL

*to remove the restrictions imposed on the transfer of ships registered in British India.*

WHEREAS it is expedient to remove the restrictions imposed on the transfer of ships registered in British India ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Transfer of Ships Restriction (Repealing) Act, 1922 .

Repeal of Act XX of 1917.

2. The Indian Transfer of Ships Restriction Act, 1917, is hereby repealed. XX of 1917.

### STATEMENT OF OBJECTS AND REASONS.

The Indian Transfer of Ships Restriction Act, 1917, was enacted on the lines of the British Ships Restriction Act, 1915 and 1916, with a view to preventing transfers to alien interests of ships registered in India under the British Merchant Shipping Act, 1894, and like the United Kingdom Acts, it was to remain in force until three years after the termination of the war, that is to say until the 31st August 1924.

2. When the Indian Act was passed, tonnage was in keen demand and practically the whole of British Shipping was under control for essential war purposes. There was, therefore, considerable inducement to transfer registry in order to avoid impressment and to secure open rates of freight. It also seemed inevitable that for several years after the war the supply of tonnage would not equal the demand. Conditions have, however, so completely altered, that each of these factors is now entirely inoperative, and the necessity for an enactment of this kind no longer exists. It has therefore been decided to repeal this Act as an unnecessary restriction on freedom of trade. The present Bill purports to give effect to this decision.

SIMLA,

C. A. INNES.

The 27th April 1922.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 6th September 1922 :—

No. 21 OF 1922.

A

## BILL

*further to amend the Negotiable Instruments Act, 1881.*

WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Negotiable Instruments (Amendment) Act, 1922 .

Amendment of section 131, Act XXVI of 1881.

2. To section 131 of the Negotiable Instruments Act, 1881, XXVI of 1881, the following *Explanation* shall be added, namely :—

*"Explanation.—A banker receives payment of a crossed cheque for a customer within the meaning of this section notwithstanding that he credits his customer's account with the amount of the cheque before receiving payment thereof."*

## STATEMENT OF OBJECTS AND REASONS.

Section 131 of the Negotiable Instruments Act, 1881, provides that a banker who has in good faith and without negligence received payment for a customer of a crossed cheque shall not, in case the title to the cheque proves defective, incur any liability to the true owner of the cheque by reason only of having received such payment. The law at present affords no protection to a banker who credits a customer's account with the amount of a cheque before its realization, as he cannot then be regarded as having received payment for a customer. It is proposed that the law should be amended on the lines of the English Bills of Exchange (Crossed Cheque) Act of 1906 in order to extend the protection to collecting bankers in cases where they credit their customer's account with the amount of a cheque before receiving payment of it.

W. M. HAILLY.

SIMLA,

The 12th July 1922.

H. MONCRIEFF SMITH,

*Secretary to the Government of India.*



# The Calcutta Gazette

WEDNESDAY, NOVEMBER 22, 1922.

## PART VI.

***Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly, and Bills published under Rule 18 of the Indian Legislative Rules.***

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 25th September 1922:—

No. 32 OF 1922.

A

### BILL

*to give effect in British India to the Treaty for the Limitation of Naval Armament.*

WHEREAS it is expedient to give effect in British India to the Treaty for the Limitation of Naval Armament signed at Washington on behalf of His Majesty on the sixth day of February 1922; It is hereby enacted as follows:—

Short title, extent, and commencement.

1. (1) This Act may be called the Indian Naval Armament Act, 1922.

(2) It extends to the whole of British India, and applies also to all subjects and servants of His Majesty in other parts of India.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the *Gazette of India*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "competent Court" means the High Court or such other Court having unlimited original civil jurisdiction as the Governor General in Council may declare to be a competent Court for the purposes of this Act;

(b) "ship" means any boat, vessel, battery or craft, whether wholly or partly constructed, which is intended to float or is capable of floating, on water, and includes all equipment belonging to any ship; and

(c) "the Treaty" means those Articles of the Treaty for the Limitation of Naval Armament signed at Washington on behalf of His Majesty on the sixth day of February 1922, which are set out in the Schedule.



Restriction on building or equipping vessels of war.

3. No person shall except under and in accordance with the conditions of a license granted under this Act,—

- (a) build any vessel of war, or alter, arm or equip any ship so as to adapt her for use as a vessel of war; or
- (b) despatch or deliver, or allow to be despatched or delivered, from any place in British India any ship which has been, either wholly or partly, built, altered, armed or equipped as a vessel of war in any part of His Majesty's Dominions or in a State in India otherwise than under and in accordance with any law for the time being in force in that part or State.

Licenses.

4. (1) A license under this Act for any of the purposes specified in section 3 may be granted by the Local Government, and shall not be refused unless it appears to the Local Government that such refusal is necessary for the purpose of securing the observance of the obligations imposed by the Treaty; and, where a license is granted subject to conditions, the conditions shall be such only as the Local Government may think necessary for the purpose aforesaid.

(2) An application for a license under this section shall be in such form and shall be accompanied by such designs and particulars as the Local Government may, by general or special order, require.

Offences against the Act.

5. (1) If any person contravenes any of the provisions of section 3, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(2) Where an offence punishable under sub-section (1) has been committed by a company or corporation, every director and manager of such company or corporation shall be punishable thereunder unless he proves that the act constituting the offence took place without his knowledge and consent.

(3) Nothing contained in section 517 or section 518 or section 520 of the Code of Criminal Procedure, 1898, shall be deemed to authorise the destruction or confiscation under the order of any Criminal Court of any ship which is liable to forfeiture under this Act or of any part of such ship.

V of 1898.

Liability of ships to forfeiture.

6. Any ship which has been, either wholly or partly, built, altered, armed, or equipped as a vessel of war in British India in contravention of section 3, or in any other part of His Majesty's Dominions or any State of India in contravention of any like provision of law in force in that part or State, shall, if found in British India, be liable to forfeiture under this Act.

Seizure, detention and search of ships.

7. (1) Where a ship is liable to forfeiture under this Act,—

- (a) any Presidency Magistrate or Magistrate of the first class, or
- (b) any commissioned officer on full pay in the military, naval or air service of His Majesty, or any gazetted officer of the Royal Indian Marine Service, or
- (c) any officer of customs or police-officer not below such rank as may be designated in this behalf by the Governor General in Council,

may seize such ship and detain it, and, if the ship is found at sea within the territorial waters of British India, may bring it to any convenient port in British India.

(2) Any officer taking any action under sub-section (1) shall forthwith report the same through his official superiors to the Local Government.

(3) The Local Government shall, within thirty days of the seizure, either cause the ship to be released or make or cause to be made, in the manner hereinafter provided, an application for the forfeiture thereof, and may make such orders for the temporary disposal of the ship as it thinks suitable.

Procedure in  
forfeiture of ships.

8. (1) An application for the forfeiture of a ship under this Act may be made by, or under authority from, the Local Government to any competent Court within the local limits of whose jurisdiction the ship is for the time being.

(2) On receipt of any such application, the Court shall cause notice thereof and of the date fixed for the hearing of the application to be served upon all persons appearing to it to have an interest in the ship, and may give such directions for the temporary disposal of the ship as it thinks fit.

(3) For the purpose of disposing of an application under this section, the Court shall have the same powers and follow, as nearly as may be, the same procedure as it respectively has and follows for the purpose of the trial of suits under the Code of Civil Procedure, 1908, and any order made by the Court under this section shall be deemed to be a decree and the provisions of the said Code in regard to the execution of decrees shall, as far as they are applicable, apply accordingly.

V of 1908.

(4) Where the Court is satisfied that the ship is liable to forfeiture under this Act, it shall pass an order forfeiting the ship to His Majesty :

Provided that where any person having an interest in the ship proves to the satisfaction of the Court that he has not abetted, or connived at, or by his negligence facilitated, in any way, a contravention of section 3 in respect of the ship, and such ship has not been built as a vessel of war, it may pass such other order as it thinks fit in respect of the ship or, if it be sold, of the sale proceeds thereof :

Provided further, that in no case shall any ship which has been altered, armed or equipped as a vessel of war be released until it has been restored, to the satisfaction of the Local Government, to such condition as not to render it liable to forfeiture under this Act.

(5) The Local Government or any person aggrieved by any order of a Court, other than a High Court, under this section may within three months of the date of such order, appeal to the High Court.

Disposal of forfeit.

9. Where a ship has been forfeited to His Majesty under section 8 it may be disposed of in such manner as the Local Government, subject to the control of the Governor General in Council, directs :

Provided that, where the ship is sold under this section, due regard shall be had to the obligations imposed by the Treaty.

Special proof of relevant facts.

10. If, in any trial, appeal or other proceeding under the foregoing provisions of this Act, any question arises as to whether a ship is a vessel of war, or whether any alteration, arming or equipping of a ship is such as to adapt it for use as a vessel of war, the question shall be referred to and determined by the Governor General in Council, whose decision shall be final and shall not be questioned in any Court.

Penalties for proceeding to sea after seizure.

11. (1) Where a ship which has been seized or detained under section 7 or section 8 and has not been released by competent authority under this Act proceeds to sea, the master of the ship shall be punishable with fine which may extend to one thousand rupees, and the owner and any person who sends the ship to sea shall be likewise so punishable unless such owner or person proves that the offence was committed without his knowledge and consent.

(2) Where any ship so proceeding to sea takes to sea, when on board thereof in the execution of his duty, any officer empowered by this Act to seize and detain the ship, the owner and master shall further each be liable, on the order of the Court trying an offence punishable under sub-section (1), to pay all the expenses of and incidental to such officer being taken to sea, and shall further be punishable with fine which may extend to one hundred rupees for every day until such officer returns or until such time as would enable him after leaving the ship to return to the port from which he was taken.

(3) Any expenses ordered to be paid under sub-section (2) may be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of a fine.

V of 1898



Power to enter  
dockyards, etc.

**12.** (1) Any person empowered by this Act to seize and detain any ship may, at any reasonable time by day or night, enter any dockyard, shipyard or other place and make inquiries respecting any ship which he has reason to believe is liable to forfeiture under this Act, and may search such ship with a view to ascertaining whether the provisions of this Act have been or are being duly observed in respect thereof, and every person in charge of or employed in such place shall on request be bound to give the person so empowered all reasonable facilities for such entry and search and for making such inquiries.

(2) The provisions of sections 101, 102 and 103 of the Code of Criminal Procedure, 1898, shall apply in the case of all searches made under this section. V of 1898.

Courts by which  
and conditions  
subject to which  
offences may be  
tried.

**13.** No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall proceed to the trial of any offence punishable under this Act, and no Court shall proceed to the trial of any such offence except on complaint made by, or under authority from, the Local Government.

Indemnity

**14.** No prosecution, suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

#### THE SCHEDULE.

(See section 2.)

#### ARTICLES OF TREATY FOR THE LIMITATION OF NAVAL ARMAMENT.

##### ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

##### ARTICLE VI.

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres).

##### ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers.

##### ARTICLE X.

No aircraft carrier of any of the Contracting Powers shall carry a gun with a calibre in excess of 8 inches (203 millimetres). Without prejudice to the provisions of Article IX if the armament carried includes guns exceeding 6 inches (152 millimetres) in calibre the total number of guns carried, except anti-aircraft guns and guns not exceeding 5 inches (127 millimetres) shall not exceed ten. If alternatively the armament contains no guns exceeding 6 inches (152 millimetres) in calibre, the number of guns is not limited. In either case the number of anti-aircraft guns and of guns not exceeding 5 inches (127 millimetres) is not limited.

##### ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers. Vessels not specifically built as fighting ships nor taken in time of peace



under Government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article.

#### ARTICLE XII.

No vessel of war of any of the Contracting Powers, hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres).

#### ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimetres) calibre.

#### ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

#### ARTICLE XVI.

If the construction of any vessel of war for a non-Contracting Power is undertaken within the jurisdiction of any of the Contracting Powers, such Power shall promptly inform the other Contracting Powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, Part 3, Section 1 (b), (4) and (5).

#### ARTICLE XVIII.

Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign Power.

#### CHAPTER II.—PART 3.—SECTION 1.

- (b) Each of the Contracting Powers shall communicate promptly to each of the other Contracting Power the following information :—
- (4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draught at standard displacement.
- (5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at waterline, extreme beam at or below waterline, mean draught at standard displacement, at time of completion.

#### PART 4.—DEFINITIONS.

For the purposes of the present Treaty, the following expressions are to be understood in the sense defined in this Part.

##### *Capital Ship.*

A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement, or which carries a gun with a calibre exceeding 8 inches (203 millimetres).

*Aircraft Carrier.*

An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X, as the case may be.

*Standard Displacement.*

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word "ton" in the present Treaty, except in the expression "metric tons," shall be understood to mean the ton of 2,240 pounds (1,016 kilo.).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a Power expressing displacement in metric tons shall be considered for the application of the present Treaty as owning only the equivalent displacement in tons of 2,240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

## STATEMENT OF OBJECTS AND REASONS.

On the 6th February 1922 a Treaty for the limitation of Naval Armaments was signed at Washington on behalf of His Majesty. This Treaty contained, *inter alia*, the provisions set out in the Schedule to this Bill. An Act enabling effect to be given to the Treaty has been passed by the British Parliament, but, as India is not included in that Act, it is necessary for the Indian Legislature to pass separate legislation for British India. The object of this Bill, therefore, is to give effect to the provisions of the Treaty, so far as British India is concerned, by restricting, subject to certain limitations and conditions, the building of vessels of war and the altering, arming or equipping of any ship so as to adapt her for use as a vessel of war.

SIMLA ;

The 22nd September, 1922. }

E. BURDON.

H. MONCRIEFF SMITH,

Secretary to the Government of India.



# The Calcutta Gazette

WEDNESDAY, DECEMBER 27, 1922.

## PART VI.

*Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly, and Bills published under Rule 18 of the Indian Legislative Rules.*

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 23rd September 1922 :—

No. 30 OF 1922.

A

### BILL

*To provide for the abolition of the punishment of transportation in respect of criminal offences.*

WHEREAS it is expedient to provide that sentences of transportation shall not, in future, be passed upon persons convicted of offences under the criminal law ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Abolition of Transportation Act, 1922.

Amendment of certain enactments.

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.



## THE FIRST SCHEDULE.

## AMENDMENTS.

(See section 2.)

Year.	No.	Short title.	Amendments.
1860	XLV	The Indian Penal Code.	<ol style="list-style-type: none"> <li>1. In section 57—               <ol style="list-style-type: none"> <li>(a) after the words "terms of punishment" the words "and for purposes of comparison of punishments" shall be inserted; and</li> <li>(b) for the word "transportation", in both places where it occurs, the word "imprisonment" shall be substituted.</li> </ol> </li> <li>2. In section 75, the words "to transportation for life, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</li> <li>3. In section 115, for the words "transportation for life," where they first occur, the words "imprisonment for fourteen years or upwards" shall be substituted, and for those words where they occur in the <i>Illustration</i> the words "imprisonment for life" shall be substituted.</li> <li>4. In section 116, after the word "Imprisonment" where it first occurs, the words "not extending to fourteen years" shall be inserted.</li> <li>5. In sections 118 and 119, for the words "transportation for life" the words "imprisonment for fourteen years or upwards" shall be substituted.</li> <li>6. In section 120 after the word "imprisonment" where it first occurs, the words "not extending to fourteen years" shall be inserted.</li> <li>7. In section 121, for the word "transportation" the words "rigorous imprisonment" shall be substituted.</li> <li>8. In section 121A, the words "with transportation for life or any shorter term, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</li> <li>9. In section 122, the words "transportation for life or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</li> <li>10. In section 124A, the words "with transportation for life, or any shorter term to which fine may be added, or" shall be omitted, and for the word "three" the word "five" shall be substituted.</li> <li>11. In section 125, the words "with transportation for life, to which fine may be added, or" shall be omitted, and for the word "seven" the word "fourteen" shall be substituted.</li> </ol>

Year.	No.	Short title.	Amendments.
1860	XLV	The Indian Penal Code— <i>contd.</i>	<p>12. In section 131, the words "with transportation for life or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p> <p>13. In section 132, the words "transportation for life, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p> <p>14. In section 194, the words "with transportation for life, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted; and for the words "the punishment hereinbefore described" the words "with rigorous imprisonment for life or any less term, to which fine may be added" shall be substituted.</p> <p>15. In section 195, in the <i>Illustration</i>, for the word "ten" the word "fourteen" shall be substituted.</p> <p>16. In section 201, the words "with transportation for life, or" shall be omitted, and after the words "ten years," where they first occur, the words "or upwards" shall be inserted.</p> <p>17. In section 212, the words "with transportation for life, or" shall be omitted, and after the words "ten years," where they first occur, the words "or upwards" shall be inserted; and, in the <i>Illustration</i>, for the words "transportation for life," the words "imprisonment for fourteen years" shall be substituted.</p> <p>18. In sections 213 and 214, the words "with transportation for life, or" shall be omitted, and after the words "ten years", where they first occur, the words "or upwards" shall be inserted.</p> <p>19. In sections 216 and 221, the words "transportation for life, or" shall be omitted, and after the words "ten years", where they first occur, the words "or upwards" shall be inserted.</p> <p>20. In section 225, the words "transportation for life or," where they occur for the first and third times, shall be omitted, and after the words "ten years", where they first occur, the words "or upwards" shall be inserted, and for those words where they occur for the third time the words "fourteen years" shall be substituted.</p> <p>21. In section 302, for the word "transportation" the words "rigorous imprisonment" shall be substituted.</p> <p>22. In section 303, after the words "transportation for life," the words "or imprisonment for life" shall be inserted.</p> <p>23. In section 304, the words "transportation for life, or" shall be omitted, and for the word "ten", where it first occurs, the word "fourteen" shall be substituted.</p>



Year.	No.	Short title	Amendments.
1860	XLV	The Indian Penal Code— <i>contd.</i>	<p>24. In section 305, the words "or transportation for life" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p> <p>25. In section 307—</p> <p>(a) for the words "either to transportation for life, or to such punishment as is hereinbefore mentioned," the words "to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine" shall be substituted; and</p> <p>(b) after the words "under sentence of transportation for life" the words "or imprisonment for life" shall be inserted.</p> <p>26. In section 311, for the word "transportation" the words "rigorous imprisonment" shall be substituted.</p> <p>27. In section 314, for the words "either with transportation for life, or with the punishment above-mentioned" the words "with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine" shall be substituted.</p> <p>28. In section 364, the words "transportation for life or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p> <p>29. In sections 376 and 377, the words "with transportation for life, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p> <p>30. In sections 388 and 389—</p> <p>(a) the words "or with transportation for life" shall be omitted;</p> <p>(b) after the words "ten years", where they first occur, the words "or upwards" shall be inserted; and</p> <p>(c) for the words "transportation for life", where they occur for the second time, the words "imprisonment of either description for a term which may extend to fourteen years" shall be substituted.</p> <p>31. In sections 394 and 395, the words "with transportation for life, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p> <p>32. In section 396, for the words "or transportation for life, or rigorous imprisonment for a term which may extend to ten years" the words "or with rigorous imprisonment for life or for any less term" shall be substituted.</p> <p>33. In sections 400, 412 and 449, the words "with transportation for life, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p>



Year.	No.	Short title.	Amendments.
1860	XII	The Indian Penal Code— <i>amended</i> .	<p>34. In section 450, for the words "transportation for life" the words "imprisonment which may extend to fourteen years or upwards" shall be substituted.</p> <p>35. In section 451, after the word "imprisonment", where it first occurs, the words "not extending to fourteen years" shall be inserted.</p> <p>36. In section 459, the words "transportation for life, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p> <p>37. In section 460, the words "with transportation for life, or" shall be omitted, and for the word "ten" the word "fourteen" shall be substituted.</p> <p>38. In section 506, the words "or transportation" shall be omitted, and after the words "seven years", where they first occur, the words "or upwards" shall be inserted.</p>
1867	XXIII	The Punjab Murderous Offences Act, 1867.	In section 2, for the word "transportation" the words "rigorous imprisonment" shall be substituted.
1887	XIV	The Indian Penal Code Act, 1887.	In sub-section (2) of section 38, for the words "transportation for life or for any term not less than four years, or imprisonment for any term not exceeding fourteen years" the words "rigorous imprisonment for life or any less term" shall be substituted.
1888	XV	The Official Secrets Act, 1888.	In sub-section (1) of section 3 and in clause (a) of sub-section (2) of section 4, the words "with transportation for life, or for any term not less than five years or" shall be omitted, and for the words "two years" the words "five years" shall be substituted.
1898	V	The Code of Criminal Procedure, 1898.	<p>1. In sub-section (2) of section 35, to clause (a) of the proviso the following shall be added, namely:—</p> <p style="padding-left: 40px;">"except where one of the sentences is a sentence of imprisonment for life".</p> <p>2. In sub-section (3) of section 46, for the words "transportation for life" the words "imprisonment for ten years or upwards" shall be substituted.</p> <p>3. In section 382, for the word "transportation" the words "rigorous imprisonment" shall be substituted.</p> <p>4. In section 396, for the words "penal servitude or transportation" the words "or penal servitude" shall be substituted.</p> <p>5. In section 397, for the words "penal servitude or transportation", where they occur for the second and third times, the words "or penal servitude" shall be substituted.</p>

Year.	No.	Short title.	Amendments.
1898	V	The Code of Criminal Procedure, 1898— <i>contd.</i>	<p>6. In section 402, the words "transportation, penal servitude" shall be omitted, and to that section the following proviso shall be added, namely—</p> <p>"Provided that, where a person is undergoing a sentence of transportation or penal servitude, such sentence may be commuted for any of the above-mentioned sentences, except a sentence of death."</p> <p>7. In sub-section (8) of section 496, for the words "penal servitude or transportation" the words "or penal servitude" shall be substituted.</p> <p>8. In section 447, for the words "transportation for life" in both places where they occur, the words "imprisonment for ten years or upwards" shall be substituted.</p> <p>9. In section 413, for the words "transportation for life" and for the word "transportation" the words "imprisonment for ten years or upwards" shall be substituted.</p> <p>10. In sub-section (2) of section 513, for the word "transportation" the words "with imprisonment for ten years or upwards" shall be substituted.</p> <p>11. In the Second Schedule—</p> <p>(i) in the entry in column 2 against section 115, for the words "transportation for life" the words "imprisonment for 14 years or upwards" shall be substituted;</p> <p>(ii) in the entry in column 2 against section 116, after the word "imprisonment" the word "not extending to 14 years" shall be inserted;</p> <p>(iii) in the entries in column 2 against sections 118 and 119, for the words "transportation for life" the words "imprisonment for 14 years or upwards" shall be substituted;</p> <p>(iv) in the entry in column 2 against section 120, after the word "imprisonment" the words "not extending to 14 years" shall be inserted;</p> <p>(v) for the entry in column 7 against section 121, the following shall be substituted, namely:—</p> <p>"Death, or rigorous imprisonment for life, and fine";</p> <p>(vi) for the entries in column 7 against sections 121A and 122, the following shall be substituted, namely—</p> <p>"imprisonment for 14 years and fine"</p>

Year.	No.	Short title.	Amendments.
1922	V	The Code of Criminal Procedure, 1898— <i>contd.</i>	<p>(vii) for the entry in column 7 against section 124A, the following shall be substituted, namely :—</p> <p>“Imprisonment for 5 years and fine, or fine”;</p> <p>(viii) for the entry in column 7 against section 125, the following shall be substituted, namely :—</p> <p>“Imprisonment for 14 years and fine, or fine”;</p> <p>(ix) for the entry in column 7 against section 131, the following shall be substituted, namely :—</p> <p>“Imprisonment for 14 years and fine”;</p> <p>(x) in the entry in column 7 against section 132, the words “or transportation for life” shall be omitted, and for the figures “10” the figures “14” shall be substituted;</p> <p>(xi) in the first entry in column 7 against section 194, the words “transportation for life” shall be omitted, and for the figures “10” the figures “14” shall be substituted; and for the second entry the following shall be substituted, namely :—</p> <p>“Death, or rigorous imprisonment for life or any less term and fine”;</p> <p>(xii) for the second entry in column 2 against section 201, the following shall be substituted, namely :—</p> <p>“if punishable with imprisonment for ten years or upwards”;</p> <p>(xiii) in the third entry in column 2 against section 211, for the word “transportation” the word “imprisonment” shall be substituted;</p> <p>(xiv) for the second entries in column 2 against sections 212, 213, 214, 216 and 221, the following shall be substituted, namely :—</p> <p>“If punishable with imprisonment for 10 years or upward”;</p> <p>(xv) in the second entry in column 2 against section 225, the words “transportation for life, or” shall be omitted, and after the word “years” the words “or upwards” shall be inserted; and for the fifth entry in column 7 against the same section the following shall be substituted, namely :—</p> <p>“Imprisonment for 14 years, and fine”;</p>



Year.	No.	Short title.	Amendments.
1898	V	The Code of Criminal Procedure, 1898— <i>contd.</i>	<p>(xvi) In the entry in column 7 against section 302, for the word "transportation" the words "rigorous imprisonment" shall be substituted ;</p> <p>(xvii) in the entry in column 2 against section 303 after the words "transportation for life," the words "or imprisonment for life" shall be inserted ;</p> <p>(xviii) for the first entry in column 7 against section 304, the following shall be substituted, namely :—</p> <p style="padding-left: 40px;">"Imprisonment for 14 years, and fine ;"</p> <p>(xix) in the entry in column 7 against section 305, the words "or transportation for life" shall be omitted, and for the figures "10" the figures "14" shall be substituted ;</p> <p>(xx) for the second entry in column 7 against section 307, the following shall be substituted, namely :—</p> <p style="padding-left: 40px;">"Imprisonment for 14 years, and fine."</p> <p>(xxi) in this entry in column 7 against section 311, for the word "Transportation" the words "Rigorous imprisonment" shall be substituted ;</p> <p>(xxii) for the second entry in column 7 against section 314, the following shall be substituted, namely :—</p> <p style="padding-left: 40px;">"Imprisonment for 14 years, and fine."</p> <p>(xxiii) for the entry in column 7 against section 361 the following shall be substituted, namely :—</p> <p style="padding-left: 40px;">"Rigorous imprisonment for 14 years, and fine."</p> <p>(xxiv) for the entries in column 7 against sections 375 and 377, the following shall be substituted, namely :—</p> <p style="padding-left: 40px;">"Imprisonment for 14 years, and fine ;"</p> <p>(xxv) in the first entries in column 2 against sections 388 and 389, the words "transportation for life" shall be omitted, and after the word "years" the words "or upwards" shall be inserted ; and for the second entries in column 7 against the same sections, the words "imprisonment for 14 years" shall be substituted ;</p>

Year.	No.	Short title.	Amendments.
1898	V	The Code of Criminal Procedure, 1898— <i>amended</i> .	<p>(xxvi) in the entry in column 7 against section 394, the words "transportation for life or" shall be omitted, and for the figures "10" the figures "14" shall be substituted;</p> <p>(xxvii) for the entry in column 7 against section 396, the following shall be substituted, namely:— "Death, or rigorous imprisonment, for life or any less time, and fine ;</p> <p>(xxviii) in the entry in column 7 against section 400, the words "Transportation for life, or" shall be omitted, and for the figures "10" the figures "14" shall be substituted;</p> <p>(xxix) in the entries in column 7 against sections 412 and 449, the words "Transportation for life" shall be omitted, and for the figures "10" the figures "14" shall be substituted ;</p> <p>(xxx) in the entry in column 2 against section 450, for the words "transportation for life," the words "imprisonment for 14 years or upwards" shall be substituted ;</p> <p>(xxxi) in the second entry in column 2 against section 451, after the word "imprisonment" the words "for less than 14 years" shall be inserted ; and</p> <p>(xxxii) in the entry in column 7 against section 459, the words "Transportation for life, or" shall be omitted, and for the figures "10" the figures "14" shall be substituted.</p> <p>11. In the Fifth Schedule in Form XXXVI—</p> <p>(a) for the word "transportation" the word "imprisonment" shall be substituted, and</p> <p>(b) all words occurring between the words "in the said Jail" (where they first occur) and "and there to carry" shall be omitted.</p>
1908	VI	The Explosive Substances Act, 1908.	<p>1. In section 4, the words "with transportation for a term which may extend to twenty years, to which fine may be added, or" shall be omitted, and for the word "seven" the word "ten" shall be substituted.</p> <p>2. In section 5 the words "with transportation for a term which may extend to fourteen years, to which fine may be added, or" shall be omitted, and for the word "five" the word "seven" shall be substituted.</p>
1911	III	The Criminal Tribes Act, 1911.	In clause (b) of sub-section (1) of section 23, for the words "transportation for life" the words "imprisonment for fourteen years" shall be substituted.
	VIII	The Indian Army Act, 1911.	<p>1. In clause (a) of section 41, for the words "with transportation" the words "with imprisonment for ten years or upwards" shall be substituted.</p> <p>2. In clause (c) of section 43, for the words "any term not exceeding fourteen years" the words "life or any less term" shall be substituted.</p>

## THE SECOND SCHEDULE.

## ENACTMENTS REPEALED.

(See section 3.)

Year.	No.	Short title.	Extent of repeal.
1855	XXIV	The Penal Servitude Act, 1855.	So much as has not been repealed.
1860	XLV	The Indian Penal Code.	<ol style="list-style-type: none"> <li>1. In section 53, the words—  <i>"Secondly,—Transportation"</i>  <i>"Thirdly,—Penal servitude"</i></li> <li>2. Section 56.</li> <li>3. Section 59.</li> <li>4. In section 120B, the word "transportation."</li> <li>5. In section 128, the words "transportation for life or."</li> <li>6. In the section 130, the words "with transportation for life or."</li> <li>7. In section 195, the words "transportation for life or" in both places where they occur and the words "transportation or" in the <i>Illustration</i>.</li> <li>8. In section 211, the words "transportation for life."</li> <li>9. In section 222, the words "with transportation for life."</li> <li>10. In section 226, the words "punished with transportation for life and shall also be" and the words "unless he is so transported."</li> <li>11. In sections 252, 253, 262, 315 and 326, the words "with transportation for life or."</li> <li>12. In section 329, the words "transportation for life or."</li> <li>13. In sections 371, 409, 415, 438, 467, 472, 474, 475, 477, 489A, 491 and 489D, the words "with transportation for life or."</li> <li>14. In section 511, the words "transportation or" wherever they occur.</li> </ol>
1872	XV	The Indian Christian Marriage Act, 1872.	<p>In section 68, the words "or (in lieu of a sentence of imprisonment for seven years or upwards) with transportation for a term of not less than seven years and not exceeding ten years,</p> <p>or, if the offender is a European or American, with penal servitude according to the provisions of Act XXIV of 1855 (the <i>substitute penal servitude for the punishment of transportation in respect of European and American convicts</i>).</p>



Year.	No.	Short title.	Extent of repeal
1887	XIV	The Indian Marine Act, 1887.	1. In sub-section (3) of section 38, the words "or of transportation." 2. In section 42, the words "transportation" and "transportation or of".
1888	IV	The Indian Reserve Forces Act, 1888	In sub-clause (i) of sub-section (1) of section 6 the word "transportation".
1890	IX	The Indian Railways Act, 1890.	In sections 126 and 127, the words "with transportation for life, or".
1897	VIII	The Reformatory Schools Act, 1897.	In clause (a) of section 4 and in sub-section (1) of section 8, and in sub-section (1) of section 31, the words "transportation or".
1898	V	The Code of Criminal Procedure, 1898.	1. In clause (iv) of sub-section (1) of section 4, the word "transportation". 2. In sub-section (3) of section 31, the words "or of transportation for a term exceeding seven years". 3. In section 34, the words "transportation for a term exceeding seven years or". 4. In sub-section (1) of section 35 the words "or transportation". 5. In clause (2) of section 196A, the word "transportation". 6. In the second clause (a) of sub-section (1) of section 260, the word "transportation". 7. Sub-section (2) of section 368. 8. In section 383, the words "transportation or". 9. In clause (b) of section 393, the words "or to transportation or to penal servitude." 10. The proviso to section 397. 11. In clause (b) of the proviso to section 408, the words "or any sentence of transportation." 12. In sub-section (1) of section 565, the words "transportation or." 13. In the Second Schedule— (i) in the entry in column 2 against section 120B, the word "transportation"; (ii) in the entries in column 7 against sections 128 and 130, the words "transportation for life or"; (iii) in the entry in column 2 against section 195, the words "with transportation for life or"; (iv) in the entry in column 7 against section 222, the words "transportation or".

Year.	No.	Short title.	Extent of repeal.
1898	V	The Code of Criminal Procedure, 1898— <i>concl'd.</i>	<p>(v) in the entry in column 7 against section 226, the words "transportation for life and" and the words "before transportation";</p> <p>(vi) in the entries in column 7 against sections 232, 233 and 254, the words "transportation for life or";</p> <p>(vii) in the entry in column 7 against section 313, the words "transportation for life or";</p> <p>(viii) in the entries in column 7 against sections 326, 328, 371, 403, 413, 436, 438, 467, 472, 474, 477, 489A, 489B and 489D, the words "transportation for life or";</p> <p>(ix) in the entries in columns 2 and 7 against section 511, the words "transportation or" and</p> <p>(x) in the entry in column 2 under "Offences against other laws," the word "transportation."</p>
1900	III	The Prisoners Act, 1900.	<p>1. In section 8, the words "transportation or," in both places where they occur.</p> <p>2. In sub-section (1) of section 32, the words "except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence."</p>
1908	VI	The Explosive Substances Act, 1908.	In section 3, the words "with transportation for life or any shorter term to which fine may be added, or."
1911	VIII	The Indian Army Act, 1911.	<p>1. In the proviso to sub-section (2) of section 48, the words "transportation or."</p> <p>2. Clause (b) of section 45.</p> <p>3. In section 49, the word "transportation."</p> <p>4. In sections 49A, 73, 75, 68, 105 and 107, the words "transportation or," wherever they occur.</p> <p>5. In section 113, the word "transportation."</p>
1915	XIII	The North-West Frontier Constabulary Act, 1915.	In sub-section (1) of section 3, the words "with transportation for life or for a term of not less than seven years, or," the words "transportation or," and the words "as the case may be."

## STATEMENT OF OBJECTS AND REASONS.

As a result of the report of the Indian Jails Committee the Governor General in Council proposes to abolish transportation as a form of judicial punishment, and the Bill is designed to give effect to this decision. Sentences of transportation under the various laws concerned are usually admissible as alternatives to some other form of punishment. These alternatives are so various that it has been decided that the only practicable method of proceeding is to fix in the case of each offence the sentence of imprisonment which shall be substituted for a sentence of transportation for life or for a less period, if such less period is specified. In doing this it has been desired to retain generally the view of the Legislature as to the relative gravity of each offence when it enacted the law in question.

2. The Bill does not deal with sentences of transportation which may be imposed under any local Act in force in any province in which a local Legislature has been constituted or under any Regulation. Such local Acts and Regulations are left to be dealt with by the local Legislature concerned and by the Governor General in Council under their respective legislative powers.

3. So far as Acts of general application are concerned, the Bill proposes to remove all references to transportation save where the retention of such references is necessary because of the possibility of a sentence of transportation having been passed before and being still in force when the Bill comes into operation. These references will in due course become spent, and they will then be repealed in Repealing and Amending Acts.

4. With the abolition of sentences of transportation provision for sentences of penal servitude is also in a large measure unnecessary. In view of the provisions of section 66 of the Government of India Act, it is, however, necessary to retain penal servitude as a form of punishment under the Indian Marine Act, 1887, and this and the point mentioned in paragraph 3 of this Statement are the reasons for the retention of references to penal servitude in Acts of general application.

SIMLA :

*The 16th September, 1922.*

W. H. VINCENT.

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*



Serial No.	Name.	PLACE OF ABODE.		Nationality.	Quality or occupation.			
		Thana.	Village, road or street.					
<b>B</b>								
333	Bagchi, Kaladhan	...	Baranagar	...	Hindu	...	Clerk.	
334	" Satish Chandra	...	Cossipore	...	do	...	Clerk, Mackinnon, Mackenzie's Office.	
335	Bagui, Akhay Kumar	...	Rajarhat	...	Baguiati, P. O. Dum-Dum	...	do	Landholder and President Panchayet.
336	Bakshi, Bejoy Gopal	...	Budge-Budge	...	Webber Road	...	do	Head Clerk, Port Commissioners' Petroleum Wharf.
337(S)	" Gyanendranath	...	Sarupnagar	...	Sarupnagar	...	do	Talukdar.
338	" Tarak Nath	...	Maniktalla	...	11-4-1, New Canal East Road	...	do	Rice Merchant.
339	Ballav, Ashutosh	...	Entally	...	48-3, Tangra Road	...	do	Contractor.
340(S)	" Debendra Nath, Rai Bahadur*	...	Basirhat	...	Dhankuria	...	do	Zamindar.
		...	Chitpur	...	26, Galiff Street	...	do	
341	" Gobinda Das	...	Beliaghata	...	157, Beliaghata Main Road	...	do	Clerk, Ralli Bros.
342	Banerji, Adhar Chandra	...	Habra	...	Baigacha, P. O. Tababaria	...	do	Landholder.
343	" Ajit Kumar	...	Baruipur	...	Sashon, P. O. Baruipur	...	do	Zamindar.
344	" Akshay Kumar	...	Bhawanipore	...	38, Mohim Haldar Street	...	do	Cashier, Army Clothing Factory.
345(S)	" Amarapati	...	ditto	...	43, Haldarpara Road	...	do	Merchant.
346	" Amrita Lal	...	Jaynagar	...	Banamalipur	...	do	Assistant, Macneil & Co, 2, Clive Ghat Street, Calcutta.
347	" Amulya Charan	...	Baranagar	...	Srimanipur	...	do	Clerk.
348	" Anath Nath	...	Bhawanipore	...	Kalighat Road	...	do	Landholder.
349	" Anurup Chandra	...	Khardah	...	Khardah	...	do	Head Clerk, Ichapore Rifle Factory.
350	" Ashutosh	...	Entally	...	48-1-3, Tangra Road	...	do	Contractor.
351(S)	" Ashutosh, BA	...	Behala	...	Laskarpur	...	do	Head Clerk, Octavius Steel & Co.
352(S)	" Ashutosh	...	Titagarh	...	Titagarh	...	do	Superintendent to the Estate of Sm. Pramada Debi.
353	" Ashutosh	...	Naihati	...	Garifa	...	do	Shorthand Typist.
354	" Atulyadhon	...	Khardah	...	Banerjeepara Panihati	...	do	Clerk, E B R.
355	" Bankim Chandra	...	Ekbalpur	...	42-3, Circular Garden Reach Road.	...	do	Clerk, Mackinnon, Mackenzie & Co.
356	" Beni Madhab	...	Bhawanipore	...	24, Sankaripara Road	...	do	Contractor.
357	" Benoy Kumar	...	Baranagar	...	Dakshineswar	...	do	Clerk.
358	" Basanta Kumar	...	Watgunge	...	10-2, Michael Dutt Street	...	do	Clerk, Senate Hall.
359(S)	" Bhaba Sankar	...	Barrackpore	...	Manirampur, Barrackpore P. O.	...	do	Manager of <i>The Bengali</i> .

360	"	Bholanath	...	Behala	...	Behala	...	do	...	Accountant, E I R.
361(S)	"	Bhupati Lal	...	Maheshtala	...	Maheshtala	...	do	...	Zamindar.
362	"	Bibhuti Bhusan	...	Baruipur	...	Sashon, Baruipur P O	...	do	...	Landholder.
363	"	Bihari Lal	...	ditto	...	South Garia	...	do	...	Service-holder.
364(S)	"	Bijay Krishna, MA	...	Tollygunge	...	Dhakuria village & P O	...	do	...	Student.
365	"	Bijay Kumar	...	Kulpi	...	Lakhikantapore, P O Ghatesh- wara.	...	do	...	Landholder.
366	"	Bimal Chandra	...	Bhowanipore	...	20-3B, Gobindo Ghoshal Lane	...	do	...	Assistant in the Judicial Department, High Court of Calcutta.
367	"	Bimalendu	...	Maheshtala	...	Raipore	...	do	...	Clerk, Planters' Stores and Agency, Clive Street, Calcutta.
368	"	Binode Bihari	...	Baranagar	...	Kalupara	...	do	...	Accountant, Office of Controller of Stamps and Stationery.
369	"	Bipin Chandra	...	Tollygunge	...	129, Monohar Pukur Road	...	do	...	Overseer, Calcutta Municipa- lity.
370	"	Brajendra Kumar	...	Baruipur	...	Sashon, P. O. Baruipur	...	do	...	Landholder.
371	"	Butto Krishna	...	Watgunge	...	20, Circular Garden Reach Road.	...	do	...	Zamindar.
372	"	Chandra Nath	...	Maheshtala	...	Maheshtala	...	do	...	Clerk, Army Clothing Depart- ment, Alipore.
373(S)	"	Chunilal	...	Baranagar	...	Baranagar, Dakshineswar	...	do	...	Landholder and Honorary Magistrate.
374	"	Debendra Nath	...	Naihati	...	Kantalpara	...	do	...	Clerk in the Office of the Con- troller of Stamps and Sta- tionery.
375	"	Dina Nath	...	Sonarpur	...	Gazipur	...	do	...	Landholder.
376	"	Durga Das	...	Baruipur	...	South Garia village and P O	...	do	...	ditto.
377	"	Durga Das	...	Chitpur	...	18, Banamali Chatterji Street	...	do	...	Contractor.
378	"	Dwijendra Nath	...	Baranagar	...	Mayradanga	...	do	...	Clerk.
379	"	Girindra Nath	...	Naihati	...	Kantalpara	...	do	...	Clerk, Planters' Stores and Agency, Calcutta.
380(S)	"	Harani Chandra, MA, BL	...	Beliaghata	...	28, Sashtitala Road	...	do	...	Professor, Ripon College.
381	"	Hari Das, BA	...	Behala	...	Barisa	...	do	...	Timber Merchant.
382	"	Hari Mohan	...	Khardah	...	Agarpara	...	do	...	Clerk, Begg, Dunlop & Co.
383	"	Indubhusan	...	Beliaghata	...	37, Charakdanga Road	...	do	...	Teacher, George High School, Narikeldanga.
384	"	Jadu Nath	...	Baruipur	...	Garia, South Garia P O	...	do	...	Zamindar and President Pan- chayat.
385	"	Jatindra Nath	...	ditto	...	Kalyanpur, P O Baruipur	...	do	...	Clerk.
386(S)	"	Jatindra Nath	...	Sarupnagar	...	Gobindapur	...	do	...	President Panchayet (exempted for 3 years from 22nd September 1921).
387	"	Jatindra Nath, BA	...	Bhowanipore	...	72, Harish Mukerjee Road	...	do	...	Agent, Bird & Co.

Serial No.	Name.	PLACE OF ABODE.		Nationality.	Quality or occupation.		
		Thana.	Village, road or street.				
J							
388	Banerji, Jiban Krishna	...	Maheshtala	...	Hindu	...	Service-holder.
389	" Jitendra Nath	...	Naihati	...	do	...	Contractor.
390	" Jnanendra Kumar	...	Baruipur	...	do	...	Zamindar.
391	" Jogendra Krishna	...	ditto	...	do	...	Landholder and Service-holder.
392(S)	" Jogendra Nath	...	Naihati	...	do	...	Auditor, Accountant-General, Bengal's Office, Calcutta.
393	" Kali Das	...	Sonarpur	...	do	...	Clerk.
394	" Kali Dhan	...	Baruipur	...	do	...	Landholder.
395(S)	" Kaliprosad	...	Khaddah	...	do	...	Professor, Bangabasi College. (Exempted for 3 years from 22nd September 1921.)
396	" Kali Sahay	...	Nawpara	...	do	...	Clerk in the Office of the Con- troller of India General Treasuries.
397	" Khagendra Nath	...	Baruipur	...	do	...	Zamindar.
398	" Khetraprasad, BA	...	Behala	...	do	...	Teacher, Barisha H E School.
399	" Khetra Prasad	...	Chitpur	...	do	...	Merchant.
400	" Khitish Chandra	...	Naihati	...	do	...	Personal Assistant to Sanitary Engineer, Bengal.
401	" Kiron Chandra	...	Khaddah	...	do	...	Clerk.
402(S)	" Kishori Mohan, BA	...	ditto	...	do	...	School Master.
403	" Kripa Chandra	...	Baruipur	...	do	...	Zamindar.
404	" Kristo Chandra	...	Cossipore	...	do	...	Government servant.
405	" Krishna Das	...	Beliaghata	...	do	...	Broker.
406	" Krishna Dhan	...	Maheshtala	...	do	...	Clerk, Messrs. Graham & Co.
407	" Kunja Bihari	...	Beliaghata	...	do	...	Landholder.
408	" Lalit Mohan	...	Maheshtala	...	do	...	Service-holder.
409	" Mahim Chandra	...	ditto	...	do	...	Clerk, E B Railway, Sealdah.
410	" Moni Mohan	...	Matiabruz	...	do	...	Head Clerk, Port Engineering Workshop.
411	" Manoranjan	...	Bhawanipore	...	do	...	Independent gentleman.
412	" Nagendra Nath	...	Chitpur	...	do	...	Clerk, Angus Co, Ltd.
413	" Nagendra Nath	...	Baruipur	...	do	...	Landholder.
414	" Nagendra Nath	...	Pratapnagar	...	do	...	ditto.
415	" Nanda Lal	...	Jaynagar	...	do	...	ditto.
416	" Nani Gopal	...	Behala	...	do	...	Clerk, Octavius Steel & Co.
417	" Narayan Chandra	...	Sonarpur	...	do	...	Landholder.
418	" Narayan Chandra	...	Khaddah	...	do	...	Rice Merchant.
419	" Narayan Das	...	Beliaghata	...	do	...	Overseer and Contractor.



420	..	Narendra Nath	... Baranagar	... Mathura Nath Chaudhury's Lane.	do	... Teacher.
421(S)	..	Pataki Charan	... Khardah	... Panihati	do	... Landholdre.
422(S)	..	Peari Mohan	... Amdanga	... Bodai, P O Arkbali, Amdanga	do	... Professor, Commercial School, Calcutta.
423	..	Phani Bhasan	... Maheshtala	... Maheshtala	do	... Service-holder.
424	..	Prafulla Dhan	... Amdanga	... Rangapur	do	... Landholder.
425	..	Prafulla Kumar	... Tollyganj	... 135-2, Russa Road South	do	... Clerk, A G B's Office.
426	..	Pramatha Nath	... Maheshtala	... Maheshtala	do	... Clerk, B N Railway Audit Office, Garden Reach.
427	..	Pramatha Nath	... Khardah	... Panihati	do	... Clerk, Barry & Co.
428	..	Pran Krishna	... Barrackpore	... Ganti Manirampur	do	... Retired Excise Sub-Inspector.
429	..	Pravash Chandra	... Maheshtala	... Maheshtala	do	... Trader and Clerk in the employ of I G S N Company, Garden Reach.
430(S)	..	Probodh Chandra	... Barrackpore	... Manirampur	do	... Head Clerk, General Traffic Manager's Office, E I Railway, Howrah.
431	..	Prosad Das	... Khardah	... Ghoshpara Panihati	do	... Clerk, Munition Board.
432(S)	..	Rajkumar, MA	... Entally	... 29, Deb Lane	do	... Professor.
433	..	Rajendra Nath	... Maniktola	... 6A, Ratan Neogi Lane	do	... Proprietor, Rope Factory.
434	..	Rajendra Nath	... Khardah	... Rahora	do	... Clerk, J F Madan & Co.
435	..	Rasik Lal	... Cossipore	... 2-1, Satchashipara Road	do	... Landlord.
436(S)	..	Sachindra Chandra	... Bhawanipore	... 26, Bakulbagun 1st Lane	do	... Professor, South Suburban College.
437	..	Sahai Chandra	... Rajarhat	... Kadihati	do	... Landholder.
438	..	Sajani Mohan	... Watgunge	... 8, Gangadhar Banerjee Lane	do	... Zamindar.
439	..	Sambhu Nath	... Alipore	... 18-1, Alipore Park Lane	do	... Landholder and Artist.
440	..	Sarat Chandra	... Bhawanipore	... 21, Annada Prasad Banarji Lane.	do	... Landholder.
441(S)	..	Sarat Chandra, BA...	... Barasat	... Barasat P O	do	... Clerk, Judge's Court, Alipore.
442(S)	..	Rai Saheb Sarat Chandra.	... Beliaghata	... 26, Sura 1st Lane	do	... Superintendent, Controller-General's Office.
443	..	Satinath	... Swarupnagar	... Charchat	do	... Landholder.
444(S)	..	Satish Chandra	... Baruipur	... Kalyanpur, P O Baruipur	do	... Zamindar, Honorary Magistrate and President Panchayet.
445(S)	..	Satish Chandra	... Titagarh	... Barrackpore	do	... Sub-Registrar, Barrackpore.
446	..	Satish Chandra	... Bhawanipore	... 29, Iswar Ganguli Lane	do	... Independent gentleman.
447	..	Satish Chandra	... Dum-Dum	... Dum-Dum Cantonment	do	... Head Master, Mitra Institution.
448	..	Satish Chandra	... Habra	... Gaipur, P O Gobardanga	do	... Clerk, Gobardanga Zamindari Estate.
449(S)	..	Satyadas	... Jaynagar	... Baharu	do	... Teacher, Baharu H E School.
450	..	Shyamapada	... Bhawanipore	... Balaram Bose 2nd Lane	do	... Assistant Accountant, Russa Engineering Works.

Serial No.	Name.	PLACE OF ABODE		Nationality.	Quality or occupation.	
		Thana.	Village, road or street.			
<b>B</b>						
451	Banerji, Siddheswar	...	Jagatdal	... Narayanpur P O	... Hindu	... Treasurer, Bhatpara Municipality.
452	" Siva Das	...	Baruipur	... Sashon, Baruipur P O	... do	... Zamindar.
453	" Siva Prasanna	...	Maheshtala	... Maheshtala	... do	... ditto.
454	" Sukumar	...	Tollygunge	... 13, Gopal Banerjee Lane	... do	... Water Inspector, Calcutta Municipality.
455	" Sudhirkumar	...	Habra	... Gobordanga	... do	... School Master.
456(S)	" Sudhir Mohan, BA	...	Maheshtala	... Maheshtala	... do	... Teacher, Maheshtala H E School.
457(S)	" Sudhindra Nath, BA	...	Jaynagar	... Baharu	... do	... Landholder.
458(S)	" Surendra Chandra, MA.	...	Baliaghata	... 30, Sastitala Road	... do	... Professor, Presidency College.
459(S)	" Surendra Nath, MA	...	Entally	... 14, Munshibazar Road	... do	... Professor, Ripon College.
460(S)	" Tarak Das*	...	Baduria	... Ghosepur	... do	... Landholder.
461	" Tarak Nath	...	Titagarh	... Titagarh Standard Jute Mill	... do	... Head Clerk, Standard Jute Mill.
462	" Tarapada	...	Maniktolla	... 10-14, New Canal Circular Road.	do	... Rice dealer.
463	Bapuli, Lalit Mohan	...	Mathurapur	... Ramnagar, Mathurapur P O	do	... Landholder.
464	Basak, Aghore Chandra	...	Ballygunge	... 29, Bundel Road	do	... ditto.
465	" Lal Bibari	...	Baranagar	... Khasbagan	do	... ditto.
466	" Radha Gopal, BA	...	Bhawanipore	... 13, Russa Road North	do	... Teacher.
467	" Sashi Bhusan	...	Baranagar	... Jogendra Basak's Lane, Palpara.	do	... ditto.
468	Basu, A C	...	Ballygunge	... 10, Bundel Road	do	... Clerk, Port Commissioners' Office.
469	" Ambica Charan*	...	Hasnabad	... C-o Babu D N Roychoudhury, Zamindar, Taki.	do	... Landholder.
470	" Amrita Lal	...	Beliaghata	... 13, Garpar Road	do	... Clerk, Messrs, Mackinnon, Mackenzie & Co.
471	" Amrita Lal	...	Magrahat	... Gokarni, P O Multi	do	... Landholder.
472	" Anadi Mohan	...	Beliaghata	... 28, Joy Narain Tarkapanchanan Lane.	do	... Clerk.
473	" Anath Nath	...	Maniktala	... 34-A, Bagmari Road	do	... Owner of a Press.
474	" Annada Prasad	...	Diamond Harbour	... Kamarpole, P O Sarisa	do	... Landholder.
475	" Apurba Chandra	...	Beliaghata	... 5, Kali Tara Bose Lane	do	... Landholder and Clerk.
476	" Asutosh	...	ditto	... 4, Peari Mohan Sur Garden Lane.	do	... Clerk.



477	"	Asita Nath	...	Alipore	...	43, Bridge Road	...	do	...	Manager of Babu Amulyadhan Addi.
478	"	Atul Chandra	...	Basirhat	..	Basirhat	...	do	...	Landholder.
479	"	Atul Krishna	...	Baraset	...	Jagulia	...	do	...	2nd Teacher, Jagulia M E School.
480	"	Atul Krishna	...	Bhawanipore	...	51, Chaulpati Road	...	do	...	Assistant Engineer.
481	"	Bankim Chandra	...	Magrahat	...	Dhemua, P O Multi	...	do	...	Service-holder.
482	"	Barada Charan	...	Watgunge	...	51, Nazir Lane	...	do	...	Clerk, B N Railway.
483	"	Barendra Nath	...	Alipore	...	27, Mahesh Datta Lane	...	do	...	Money-lender.
484	"	Basanta Kumar	...	Bistupore	...	Pathorberia	...	do	...	Landholder.
485	"	Bhut Nath	...	Beliaghata	...	41, Talpukur Road	...	do	...	Clerk, Court of Small Causes.
486(S)	"	Bijoy Krishna, Bahadur.	Rai	Watgunge	...	1. Alipore Road	...	do	...	Superintendent, Zoo Garden.
487(S)	"	Bijoy Krishna	...	ditto	...	21, Sastitala Road	...	do	...	Merchant.
488	"	Bijay Krishna	...	Habra	...	Gaipur, P O Gobardanga	...	do	...	Landholder.
489	"	Bijayratan	...	Watgunge	...	26, Hem Chandra Street	...	do	...	Zamindar.
490	"	Binay Krishna	...	Habra	...	Gobardanga	...	do	...	Coach Builder.
491	"	Bipin Chandra	...	Budge-Budge	...	Chingripota, P O Maheshtala...	...	do	...	Landholder and Pensionholder.
492	"	Birendra Nath	...	Beliaghata	...	4, Sastitala Road	...	do	...	Wire-netting Merchant.
493	"	Bisweswar	...	Alipore	...	24-25, Bridge Road	...	do	...	Private Service-holder.
494	"	Braja Nath	...	Beliaghata	...	32, Sitalatala Lane	...	do	...	Translator, Writers' Buildings.
495	"	Brajendra Kumar	...	Sonarpur	...	Harinavi	...	do	...	Landholder.
496	"	Chunilal	...	Ekbulpore	...	27, Monshatola Lane	...	do	...	Landlord.
497	"	Dhiraj Krishna	...	Habra	...	Rajibpore	...	do	...	Clerk, Military Accounts.
498	"	Dhirendra Nath	...	Chitpur	...	72, Barrackpore Trunk Road	...	do	...	Merchant and Municipal Commissioner.
499	"	Dhirendra Nath*	...	Hasnabad	...	Saidpur	...	do	...	Talukdar.
500	"	Dhirendra Nath	...	Beliaghata	...	18, Talpukur Road	...	do	...	Landholder.
501	"	Dwarkanath	...	Sonarpur	...	Harinavi	...	do	...	Clerk of a Jute Merchant, Calcutta.
502	"	Dwarkanath	...	Chitpur	...	Dwarkanath Bose Lane	...	do	...	Supervisor, Cossipore-Chitpur Municipality.
503(S)	"	Guru Das	...	Tollygunge	...	92, Hazra Road	...	do	...	Second Teacher, South Suburban School.
504	"	Hari Charan	...	Beliaghata	...	9-A, Charakdanga Road	...	do	...	Merchant.
505	"	Hari Charan	...	Budge-Budge	...	Sarengabad, P O Budge-Budge.	...	do	...	Landholder and Service-holder.
506	"	Haran Chandra	...	Beliaghata	...	29, Charakdanga Lane	...	do	...	Merchant.
507	"	Harendra Nath	...	Nawapara	...	Garulia	...	do	...	Clerk, G S Factory, Ichapore.
508	"	Hari Das	...	Beliaghata	..	53, Talpukur Road	...	do	...	Landholder.
509	"	Hari Das	...	ditto	...	9-1 Charakdanga Road	..	do	...	Timber Merchant.
510	"	Haripada	...	Alipore	...	6, Gobinda Addy Road	...	do	...	Zamindar.